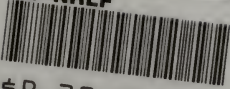


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KANSAS SCHOOL LAWS.

FRANK NELSON,

State Superintendent of Public Instruction.

1899.

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LAWS
FOR THE
REGULATION AND SUPPORT
OF THE
COMMON SCHOOLS OF KANSAS,

Compliments of

FRANK NELSON,

*State Superintendent of Public Instruction,
TOPEKA, KAN.*

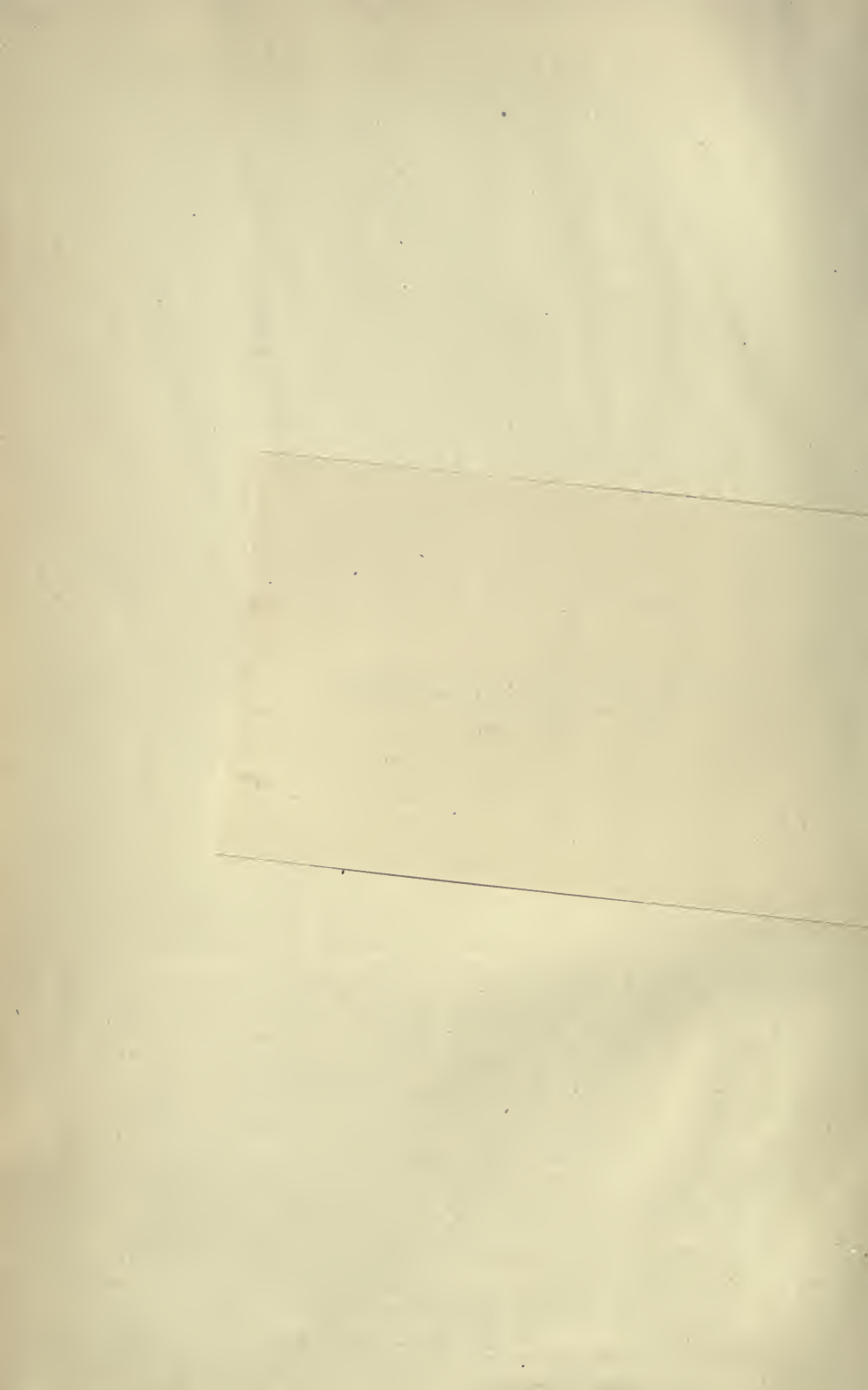
1899.



PREPARED UNDER THE SUPERVISION OF

FRANK NELSON,

State Superintendent of Public Instruction.



LAWS

FOR THE

REGULATION AND SUPPORT

OF THE

COMMON SCHOOLS OF KANSAS,

TOGETHER WITH

NOTES FOR SCHOOL OFFICERS

AND

OFFICIAL OPINIONS.

1899.



PREPARED UNDER THE SUPERVISION OF

FRANK NELSON,

State Superintendent of Public Instruction.

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1899

W. Y. MORGAN, STATE PRINTER,
TOPEKA.

To County Superintendents and School Officers:

In accordance with the law, I forward you herewith a copy of the revised laws for the support of schools. The issue of this edition has been delayed because sufficient funds for the printing of the same were not available until after the beginning of the fiscal year, July 1.

I call your attention to the fact that some new laws of special importance were passed at the last session of the legislature; *i. e.*, amending the law in regard to state certificates, extending the operations of the text-book law to high schools, consolidation of school districts, etc.

Enough copies have been printed to furnish each school officer of the state with one copy. I earnestly hope the information contained may prove helpful in promoting the educational interests of the state.

FRANK NELSON,
State Superintendent of Public Instruction.

TOPEKA, August 1, 1899.

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NOTE.—The figures enclosed in brackets, thus [69], refer to the paragraph numbers in the General Statutes of 1889; the section numbers, beginning on page 5, are in consecutive order as a simple reference to the School Laws of 1899. For example: If it is desired to quote the section of the law that appears at bottom of page 14, the reference should be stated thus: "Section 21, School Laws of 1899; paragraph 5566, General Statutes of 1889."

Official opinions will be found in the notes at the bottom of the pages.



EDUCATIONAL PROVISIONS OF THE ORGANIC ACT.

[69.]* SECTION 34. *And be it further enacted,* That when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered 16 and 36 in each township in said territory shall be and the same are hereby reserved for the purpose of being applied to schools in said territory and in the states and territories hereafter to be erected out of the same.

Approved May 30, 1854.

EDUCATIONAL PROVISIONS OF THE STATE CONSTITUTION.

ARTICLE II.

[141.] SECTION 23. The legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.

ARTICLE VI.

[177.] SECTION 1. The state superintendent of public instruction shall have the general supervision of the common-school funds and educational interests of the state, and perform such other duties as may be prescribed by law. A superintendent of public instruction shall be elected in each county, whose term of office shall be two years, and whose duty and compensation shall be prescribed by law.

[178.] SEC. 2. The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools and schools of higher grade, embracing normal, preparatory, collegiate and university departments.

* See note at bottom of table of contents.

[179.] SEC. 3. The proceeds of all lands that have been or may be granted by the United States to the state for the support of schools, and the 500,000 acres of land granted to the new states under an act of congress distributing the proceeds of public lands among the several states of the union, approved September 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent. as may be granted by congress on the sale of lands in this state, shall be the common property of the state, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the legislature may provide by tax or otherwise, shall be inviolably appropriated to the support of common schools.

[180.] SEC. 4. The income of the state school funds shall be disbursed annually, by order of the state superintendent, to the several county treasurers, and thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein, between the ages of 5 and 21 years: *Provided*, That no school district in which a common school has not been maintained at least three months in each year shall be entitled to receive any portion of such funds.

[181.] SEC. 5. The school lands shall not be sold unless such sale shall be authorized by a vote of the people at a general election; but, subject to revaluation every five years, they may be leased for any number of years not exceeding 25, at a rate established by law.

[182.] SEC. 6. All money which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall invest in the taker-up; and the proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several counties in which the money is paid or fines collected, to the support of common schools.

[183.] SEC. 7. Provisions shall be made by law for the establishment, at some eligible and central point, of a state university, for the promotion of literature and the arts and sciences, including a normal and agricultural department. All funds arising from the sale of lands granted by the United States to the state for the support of a state university, and all other grants, donations, or bequests, either by the state or by individ-

uals, for such purpose, shall remain a perpetual fund, to be called the "university fund," the interest of which shall be appropriated to the support of the state university.

[184.] SEC. 8. No religious sect or sects shall ever control any part of the common-school or university funds of the state.

[185.] SEC. 9. The state superintendent of public instruction, secretary of state and attorney-general shall constitute a board of commissioners for the management and investment of the school funds. Any two of said commissioners shall be a quorum.

(Constitution ratified by the people October 4, 1859.)

EDUCATIONAL PROVISIONS OF THE ACT OF ADMISSION.

[264.] SECTION 3. . . . *First:* That sections numbered 16 and 36, in every township of public lands in said state, and where either of said sections or any part thereof has been sold or otherwise been disposed of, other lands, equivalent thereto and as contiguous as may be, shall be granted to said state for the use of schools.

Second: That 72 sections of land shall be set apart and reserved for the use and support of a state university, to be selected by the governor of said state, subject to the approval of the commissioner of the general land-office, and to be appropriated and applied in such manner as the legislature of said state may prescribe for the purpose aforesaid, but for no other purpose.

Approved January 29, 1861.

MALICIOUS DESTRUCTION OF PROPERTY.

[2498.] Any person who shall wilfully and maliciously destroy, deface, remove or injure the property of another, public or private, shall, on conviction, be deemed guilty of a misdemeanor, and punished by fine not less than \$5 nor more than \$500, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment. (Laws 1886, ch. 104, sec. 1.)



LAWS RELATING TO COMMON SCHOOLS.

ARTICLE I.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

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| <ul style="list-style-type: none">§1. Official oath and bond.2. Shall have supervision of the educational interests of the state.3. May appoint an assistant superintendent and a clerk of the board of school-fund commissioners.4. Apportionment of the annual school fund; time of making, and basis of the same.5. Manner of apportioning the state annual school fund.6. Official opinions to be given at the request of county superintendents, and a record of all such decisions to be kept. | <ul style="list-style-type: none">§7. May publish the school laws in force, and shall cause the printing and distribution of blanks required in the transaction of the common-school business.8. Shall visit schools, and recommend textbooks.9. Office at seat of government; books, apparatus, reports, etc., to be preserved therein.10. Evidence.11. Biennial report; when it shall be made, and what it shall contain. |
|---|---|

SECTION 1. *Oath and Bond.* [6623.] The state superintendent of public instruction shall, before he enters upon the duties of his office, take and subscribe the proper oath of office, and shall execute to the state of Kansas a bond in the sum of \$10,000, with two or more sufficient sureties to be approved by the executive council, conditioned that he shall faithfully perform the duties of his said office, which oath and bond shall be filed in the office of the secretary of state. (Laws 1879, ch. 166, sec. 78.)

SEC. 2. *General Duties.* [6624.] The educational interests of the state shall be under the supervision and management of the state superintendent of public instruction, subject to such limitations and restrictions as are or may be prescribed by law; and he shall have and exercise the powers and perform the duties prescribed in the acts relating to common schools. (Laws 1879, ch. 166, sec. 79.)

SEC. 3. *Assistant and Clerk.* [6625.] The state superintendent shall have power to appoint an assistant superintendent of public instruction, who shall take the proper oath of office, which shall be filed in the office of the secretary of state; and such assistant shall perform such duties as his principal shall

prescribe, not inconsistent with law. Such assistant shall be styled the "assistant state superintendent of public instruction," and the state superintendent shall be responsible for all the official acts of such assistant. Such superintendent may also appoint an additional clerk, who shall act as clerk of the board of commissioners for the management and investment of the school funds; and such clerk shall perform such other duties as the superintendent may require, and for whose official acts such superintendent shall be responsible. (Laws 1879, ch. 166, sec. 80.)

SEC. 4. *Apportionment of School Fund.* [6626.] Such state superintendent shall distribute the income of the state school fund and the annual taxes collected by the state for the support of common schools to those counties of the state from which the proper reports have been received by said state superintendent. Such distribution shall be made twice in each year, as follows: All such moneys received up to the 15th of February shall be distributed between the 15th and last day of such month, and that received up to the 15th day of August shall be distributed between the 15th and last day of such month. The apportionment to each county shall be made in proportion to the number of children over the age of 5 years and under the age of 21 years, resident therein, as shown by the last annual report of the county superintendent to the state superintendent. (Laws 1879, ch. 166, sec. 81.)

SEC. 5. *Draw Orders.* [6627.] Such superintendent shall draw his order on the state treasurer in favor of the county treasurer of the counties respectively entitled to school moneys for the amount of such moneys apportioned to his county, and certify the amount of such order to the state treasurer and state auditor, and also to the county clerk and superintendent of the proper county. (Laws 1879, ch. 166, sec. 82.)

SEC. 6. *Official Opinions.* [6628.] Such superintendent shall, at the request of any county superintendent, give his opinion, upon a written statement of the facts, on all questions and controversies arising out of the interpretation and construction of the school laws in regard to the rights, powers and duties of school-district boards, school officers, and county superintendents, and shall keep a record of all such decisions. Before giving any such opinion, the superintendent may submit the statement of facts to the attorney general for his advice thereon, and it

shall be the duty of the attorney general forthwith to examine such statement, and suggest the proper decision to be made upon such facts. (Laws 1879, ch. 166, sec. 83.)

SEC. 7. *School Laws and Blanks.* [6629.] Such superintendent, not oftener than once in two years, may publish the school laws in force, with such forms, regulations, instructions and decisions as he may judge expedient thereto annexed, and shall cause the same to be forwarded to the persons entitled to receive them. He shall prescribe and cause to be prepared all forms and blanks necessary in the details of the common-school system, so as to secure its uniform operation throughout the state; and shall cause the same to be forwarded to the several county superintendents, to be by them distributed to the several persons or officers entitled to receive the same. (Laws 1879, ch. 166, sec. 84.)

SEC. 8. *Visitation and Text-books.* [6630.] It shall be the duty of such superintendent to visit each county of the state at least once in two years, and as much oftener as consistent with the discharge of his other duties, for the purpose of advancing and promoting the cause of education throughout the state. It shall be his duty to recommend the most-approved text-books for the common schools of the state, and to open such correspondence as may enable him to obtain all necessary information relating to the system of common schools in other states. (Laws 1879, ch. 166, sec. 85.)

SEC. 9. *Office.* [6631.] Such superintendent shall have an office in the capitol, where he shall keep all books and papers pertaining to the duties of his office; and all books, school and other, and all apparatus, maps and charts now belonging to the office of the state superintendent, and such as may hereafter be received for such office by purchase, exchange, or otherwise, shall be kept and preserved in such office, and delivered by the superintendent to his successor. He shall file and carefully preserve in his office the official reports made to him by the county superintendents of the several counties, trustees or directors of academies, graded schools, or colleges. (Laws 1879, ch. 166, sec. 86.)

SEC. 10. *Copies of Papers.* [6632.] Copies of all papers filed in his office, and the record of his official acts, may be certified

by him, and when so certified shall be evidence equally and in like manner as the originals. (Laws 1879, ch. 166, sec. 87.)

SEC. 11. *Biennial Report.* [6633.] The superintendent shall, on the 1st day of December preceding each regular session of the legislature, make out and deliver to the governor a report containing: (1) A statement of the number of common schools in the state, the number of scholars attending the same, their sex, and the branches taught; a statement of the number of private or select schools in the state, so far as the same can be ascertained, and the number of scholars attending the same, their sex, and the branches taught; a statement of the number of normal schools in the state, and the number of students attending them; the number of academies and colleges in the state, and the number of students, and their sex, attending them; and such other matters of interest as he may deem expedient, drawn from the reports of the county superintendents of the several counties in the state, and from other reports received on the subject of education from trustees or other school boards within the state. (2) A statement of the condition of the common-school fund of the state, including moneys, school lands or other property held in trust by the state for the support of common schools, and giving a full statement of the school-land account of each county. (3) A statement of the receipts and expenditures for the year. (4) A statement of plans for the management and improvement of common schools, and such other information relating to the educational interests of the state as he may deem important. (Laws 1879, ch. 166, sec. 88.)

ARTICLE II.

COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION.

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| <ul style="list-style-type: none"> §12. Qualification. 13. Term of office. 14. Commissioners fill vacancy. 15. Official oath and bond. 16. General duties; quarterly report to state superintendent. 17. Apportionment of state and county school funds. 18. Report school-district boundaries to county clerk. 19. Annual report to state superintendent. 20. Compensation, how determined. 21. Vacancy in board of directors of school district, how filled. 22. Vacancy in office of county superintendent, how filled. 23. Superintendent shall require clerk's reports to be made promptly and correctly. 24. Power to administer oath, in what cases. 25. Purchase of records for school districts. 26. Duty in forming and changing school districts. 27. Aggrieved persons. | <ul style="list-style-type: none"> §28. Notice of forming school district and of first meeting, how made. 29. Depopulated school district; indebtedness, how paid. 30. County treasurer shall pay orders. 31. Superintendent may disorganize. 32. When district shall be considered depopulated. 33. Shall furnish map to assessor. 34. Other duties; delivery of records of office. 35. Neglect or refusal to perform duty; prosecution for same. 36. Partially depopulated districts. 37. Definition. 38. Petition. 39. Attached territory. 40. Bonded indebtedness. 41. Floating indebtedness. 42. Orders paid by county treasurer. 43. Disposition of funds. 44. Disposition of property. 45. Territory not liable. 46. Consolidation of districts. 47. Conveyance of pupils. |
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SECTION 12. *Qualification.* [Laws 1899, ch. 245, sec. 1.] That a person to be eligible to the office of county superintendent of public instruction must hold a first- or second-grade certificate or a state certificate, or be a graduate of an accredited college or normal school, and must have taught at least eighteen months: *Provided*, That this act shall not apply to any person now holding the office of county superintendent.

SEC. 13. *Term of Office.* [Laws 1899, ch. 244, sec. 1.] The term of office of the county superintendent of public instruction shall begin on the second Monday of May of each odd year, beginning with the year A. D. 1901.

SEC. 14. *Commissioners Fill Vacancy.* [Laws 1899, ch. 244, sec. 2.] The board of county commissioners of each county is hereby directed to fill the vacancy existing by reason of this act, from the second Monday of January, 1901, to the second Monday of May, 1901; said appointment to be made in regular session in January of the above-named year.

SEC. 15. *Oath and Bond.* [5559.] The county superintendent of public instruction shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Kansas; to faithfully discharge the duties of such office,* and execute to the state of Kansas a bond in the sum of \$1000, conditioned to the faithful performance of his official duties; which bond, after having been approved by the board of county commissioners, together with his official oath, shall be filed in the office of the county clerk. (Laws 1881, ch. 152, sec. 1.)

SEC. 16. *General Duties.* [5560.] It shall be the duty of the county superintendent of public instruction to visit each school in his county at least once each term of six months,¹ correcting any deficiency that may exist in the government of the school,² the classification of the pupils, or the methods of instruction in the several branches taught; to make such suggestions in private to the teachers as he shall deem proper and necessary to the welfare of the school; to note the character and condition of the schoolhouse, furniture, apparatus, and grounds, and make a report in writing to the district board, making such suggestions as in his opinion shall improve the same; to examine the accounts and record books of the district officers, and see that they are kept as required by law; to encourage the formation of associations of teachers and educators for mutual improvement, and, as far as possible, to attend the meetings of such associations, and participate in the exercises of the same; to attend the normal held in his county, using his influence to secure the attendance of teachers; to make daily a personal inspection of the work of the institute in session, and keep a record of the same in his office, and do such work in connection with the exercises of the institute as he may deem necessary;³ to hold a public meeting in each school district of his county

1 "At least once each term of six months," is held to mean at least once each half-year.

2 The power to correct deficiencies in government, classification and methods of instruction implies a direct responsibility of the teacher to the superintendent. The language of the law is clearly intended to establish this relation somewhat as it exists in city schools. Failure to pay reasonable attention to the suggestions of the county superintendent in these matters is held to be sufficient ground for withholding the teacher's certificate.

3 The county superintendent cannot receive compensation for work in connection with the normal institute.

at least once every year, for the purpose of discussing school questions and elevating the standard of education; to keep his office open at the county-seat, Saturday of each week, and in counties in which the superintendent receives a salary more than \$600 per annum, he shall keep his office open when not necessarily absent attending to his official duties.⁴ He shall keep a complete record of his official acts; a record of the name, age and post-office address of each candidate for a teacher's certificate, with the number of weeks said candidate has attended a normal school or institute, the number of weeks he has taught, his standing in each study, and the date of issue and expiration of each certificate granted. He shall keep a register of the teachers employed in his county, giving name of teacher, number of the district in which he is employed, dates of opening and closing term, salary per month, grade of certificate, and date of superintendent's visit. He shall keep a record of the semiannual apportionments of the state and county school funds, and such other statistical records as shall be required in making reports to the state superintendent of public instruction. He shall make out and transmit to the state superintendent, on the last Monday of March, June, September and December of each year, a report, showing the number of school visits made, with the average length of time spent in such visits; the number of consultations held with school officers; the number of days his office has been kept open; the number of district treasurers' and clerks' record books examined; the number of teachers' meetings attended; the number of public lectures delivered; and such other information as the state superintendent may require regarding the duties of such county superintendent; and until such report shall have been forwarded to the state superintendent, and a copy thereof filed with the county clerk for publication, and that fact certified by the said county superintendent to the board of county commissioners, the warrant for his salary shall not be drawn. The county superintendent shall obtain from the county clerk, at least 10 days before the time for holding the annual school meeting each year, a certified statement of the total assessed valuation of the property in each school district in his county, and immediately certify the same

⁴ The provisions of this section require the entire time of every county superintendent receiving a salary of over \$600.

to the several school-district clerks of his county, for the information of the annual school meeting; and it is hereby made the duty of said county clerk to make out said certified statement, and deliver the same to the county superintendent. (Laws 1881, ch. 152, sec. 2.)

SEC. 17. *Apportionment of School Funds.* [5561.] Within five days after receiving the certificate of the state superintendent of public instruction, informing him of the amount of state school fund which has been apportioned to his county, the county superintendent shall apportion the same, together with the unapportioned county school fund in the county treasury, among the school districts and parts of districts in such county, in the ratio of the number of persons of school age residing in each district or part of district, as shown by the last annual reports of the several clerks of such districts and parts of districts: *Provided*, That no district in which a common school has not been taught at least three months the last preceding school year shall be entitled to receive any portion of either of said funds; ⁵ and he shall draw his order on the county treasurer in favor of each of the several school-district treasurers for the amount apportioned to such district. (Laws 1881, ch. 152, sec. 3.)

SEC. 18. *School-district Boundaries.* [5563.] The county superintendent is hereby required to furnish the county clerk with a description of the boundary of each school district, on or be-

5 A district must not only have had a common school taught at least three months during the school year ending June 30, but it must also have made through its district clerk the requisite annual report for the school year in time to be included in the annual report of the county superintendent, or the county superintendent cannot legally apportion to the district a share of the next ensuing February and August dividends of the state and county school funds. In apportioning these funds, the county superintendent must be governed not only by the proviso regarding the length of school term, but also by the *number* of children of school age residing in the several districts of the county, "*as the same shall appear from the last annual reports of the clerks of the respective districts.*" For purposes of apportionment, it is only from the annual report of a clerk of a district that the county superintendent can *legally* know the number of children of school age residing in the district.

In the case of the organization of a school district out of a part of the territory of another which is entitled to a portion of the state and county school funds, the newly formed district should be apportioned its just share of the funds to which the original district would have been entitled. If the division of the district was made before the time of making the annual report, the report of the new district should show the number of children resident of the territory detached from the old district, so that this apportionment may be made upon official returns. If the new district was organized after the time of making the annual report, the officers of the former district should be directed to pay to the treasurer of the new district that portion of the funds to which the children residing upon the detached territory entitle said district.

fore the last Monday in May of each year. (Laws 1887, ch. 219, sec. 1.)

SEC. 19. *Annual Report.* [5564.] He shall, on or before the 15th of October of each year, make out and transmit in writing to the state superintendent of public instruction a report bearing date October 1, containing a statement of the number of school districts or parts of districts in the county, and the number of children and their sex, resident in each, over the age of 5 and under the age of 21 years;⁶ a statement of the number of district schools in the county, the length of time a school has been taught in each, the number of scholars attending the same, their sex, the branches taught and the text-books used, the number of teachers employed in the same, and their sex; a statement of the number of private or select schools in the county, so far as the same can be ascertained, and the number of teachers employed in the same, their sex, and the branches taught; a statement of the number of graded schools in the county, the length of time school has been taught in each, and the number of scholars attending the same, their sex, and the branches taught, the number of teachers employed in the same, and their sex; a statement of the condition of the normal school, where such school has been established, the number of students attending the same, their sex, and the number of teachers employed in the same, and their sex; a statement of the county normal institute; a statement of the number of academies and colleges in the county, and the number of students attending the same, and their sex, the number of teachers employed in each, and their sex; a statement of the amount of public money received in each district or parts of districts, and what portion of the same, if any, has been appropriated to the support of graded schools; a statement of the amount of money raised in each district by tax and paid for teachers' wages, in addition to the public money paid therefor; the amount of money raised by tax or otherwise for the purpose of purchasing school site, for building, hiring, purchasing, repairing, furnishing or insuring such schoolhouse, or for any other purpose allowed by law, in the district or parts of districts. (Laws 1881, ch. 152, sec. 5.)

6 The annual reports of county superintendents constitute the basis upon which the state superintendent disburses the semiannual dividends to the several counties. If any county superintendent, therefore, fails to make his annual report, as required by law, the county loses its share of the state school fund, and the county superintendent becomes responsible to the county for the amount.

SEC. 20. *Compensation.* [Laws 1899, ch. 141, sec. 6.] The county superintendent of public instruction of the several counties of the state shall be allowed by the board of county commissioners of their respective counties, as full compensation for their services for the county, the following salaries, to be paid out of the county treasury in quarterly instalments: In counties having a school population⁷ of less than 1000, the county superintendent shall receive, for each day actually and necessarily employed in the discharge of the duties of his office, the sum of \$3 per day, for a number of days not to exceed 150 in any one year; in counties having a school population of 1000 and not more than 1200, shall receive \$600 per annum; in counties having a school population of from 1200 to 1500, he shall receive \$700 per annum; and in counties containing more than 1500 persons of school age, he shall receive \$700, and \$20 per annum for each additional 100 such persons: *Provided*, That no county superintendent shall receive to exceed \$1000 per annum, and that in determining the salaries of the county superintendents the school population of cities of the first and second class shall not be included in the territory attached for school purposes: *Provided further*, That in counties having more than 100 school-teachers employed, exclusive of those employed in cities of the first and second class, the county commissioners of said county shall add to the salary of \$1000 per annum an amount not to exceed \$200 per annum: *Be it further provided*, That if the county superintendent fail to spend at least one hour in each school in the county during the year, that the county commissioners shall deduct from the last quarterly instalment of his salary the sum of \$5 for each such delinquency.

SEC. 21. *Vacancy in Board.* [5566.] Should a vacancy occur in the board of directors of any school district, it shall be the duty of the county superintendent to appoint some suitable person, a resident of the district, to fill the same, and the person so appointed shall continue in office until the next annual meeting thereafter, and until his successor is elected and qualified. (Laws 1881, ch. 152, sec. 7.)

⁷ "School population" is held to mean the enumeration taken annually by school-district clerks for the annual report. Such enumeration for each year should constitute the basis for the superintendent's salary for the next year, beginning January 1.

SEC. 22. *Vacancy in Office of County Superintendent.* [5567.] When a vacancy occurs in the office of county superintendent of public instruction, by death, resignation, or otherwise, notice thereof shall be given by the county clerk to the board of county commissioners, who shall, as soon as practicable, appoint some suitable person to fill the vacancy; and the person receiving such appointment shall, before entering upon the discharge of his duties of the office, file his oath or affirmation and bond in the county clerk's office, as hereinbefore provided, and shall hold his office until his successor is elected and qualified. (Laws 1881, ch. 152, sec. 8.)

SEC. 23. *Clerks' Reports.* [5568.] He shall see that the annual reports of the clerks of the several school districts and parts of districts in his county are made correctly and in due time. (Laws 1881, ch. 152, sec. 9.)

SEC. 24. *Oaths.* [5569.] County superintendents shall have power to administer oaths in all cases in which an oath is made necessary by any provision of the school law, except in the qualifying of county superintendents and their sureties. (Laws 1881, ch. 152, sec. 10.)

SEC. 25. *Purchase of Records.* [5570.] The county superintendent of public instruction of the respective counties in this state may purchase, for each organized school district in his county not having sufficient records, one set of school-district records, consisting of district clerk's records and order-books, district treasurer's book, and a teacher's daily register. Each of said books shall contain such printed forms and instructions as will enable the teacher and the school-district officers to perform with correctness and accuracy their several duties as required by law: *Provided*, The entire set of said records as above enumerated shall not exceed in cost \$4 for each set; and the said superintendent shall draw his order or warrant on the county treasurer in favor of the person he purchases said books of, for the amount of the purchase-money, and it is hereby made the duty of said county treasurer to pay said warrant or order out of any money in his hands belonging to the respective districts in his county: *Provided*, That no funds in the hands of the county treasurer belonging to the several school districts in his county shall be diverted from the object for which said fund was raised, and the said superintendent shall deliver the said

books to the district board of each district. (Laws 1881, ch. 152, sec. 11.)

SEC. 26. *Forming and Changing Districts.* [5571.] It shall be the duty of the county superintendent of public instruction to divide the county into a convenient number of school districts, and to change such districts when the interests of the inhabitants thereof require it,⁸ but only after 20 days' notice thereof, by written notices posted in at least five public places in the district to be changed; but no new school district shall be formed containing less than 15 persons of school age, no district shall be so changed as to reduce its school population to less than 15,⁹ and none having a bonded indebtedness shall be so reduced in territory that such indebtedness shall exceed 5 per cent. of their assessed property valuation: *Provided*, That any person interested may appeal to the board of county commissioners from the action of the county superintendent. Such superintendent shall number school districts when they are formed, and he shall keep in a book for that purpose a description of the boundaries of each school district and part of district in his county, with plat of the same, date of organization, date and full record of all changes of boundaries, and a list of district officers in his county, the date of election or appointment, and the time the term of each is to expire. (Laws 1881, ch. 152, sec. 12.)

SEC. 27. *Aggrieved Persons.* [5581.] If in the formation or alteration of, or refusal to form or alter school districts, any person or persons shall feel aggrieved, such person or persons may appeal to the board of county commissioners, who shall confer with the county superintendent, and their action shall be final: *Provided*, That notice of such appeal shall be served on the county superintendent within 10 days of the time of posting of the notices of the formation or alteration of such district; such notice shall be in writing, and shall state fully the objec-

8 It is very desirable that the people concerned should be consulted, and the arguments on both sides carefully considered, before making important changes. After a district has issued bonds to build or purchase a schoolhouse, alterations should be discouraged until the bonds are paid, except in cases where imperative necessity demands a change. The object should be to establish strong and permanent districts.

9 *Detachment of Territory.* If a school district contain less than 15 persons of school age, the superintendent has no right to detach territory from such district, even should the territory detached contain no children of school age.

tions to the action of the county superintendent, a copy of which shall be filed with the county clerk, and also with the clerks of all districts affected by such alteration: *And provided also*, That such appeal shall be heard and decided by the majority of the board of county commissioners at their next regular meeting; and if such appeal is not sustained by them, the county superintendent shall proceed to appoint the time and place for said first district meeting, which shall then proceed as by law required. (Laws 1876, ch. 122, art. 3, sec. 5.)

SEC. 28. *Notice of First Meeting.* [5572.] Whenever a school district shall be formed in any county, the county superintendent of public instruction of such county shall, within 15 days thereafter, prepare a notice of the formation of such district, describing its boundaries, and stating the number thereof. He shall cause the notices thus prepared to be posted in at least five public places in the district, and, in case there shall be no appeal, shall in 10 days thereafter in like manner appoint a time and place for a special district meeting, for the election of officers and the transaction of such business as is prescribed by law for special school-district meeting. (Laws 1881, ch. 152, sec. 13.)

SEC. 29. *Become Depopulated.* [Laws 1893, ch. 135, sec. 1.] That when a school district having a floating indebtedness, consisting of outstanding school orders, is now or shall hereafter become depopulated, it shall be the duty of the county commissioners, on information furnished by the county superintendent, to provide for the payment of such outstanding indebtedness by making a levy of taxes therefor upon the property of such depopulated district, which shall be extended by the county clerk on the tax-roll the same as other taxes: *Provided*, That no levy shall exceed 20 mills on the dollar in any one year.

SEC. 30. *County Treasurer Shall Pay.* [Laws 1893, ch. 135, sec. 2.] That the county treasurer shall pay all school orders mentioned in the preceding section out of any funds standing to the credit of the school district on which said school orders are drawn: *Provided*, That the county superintendent's order for the payment of the same shall be attached to such school order.

SEC. 31. *County Superintendent May Disorganize.* [Laws 1893, ch. 135, sec. 3.] That the county superintendent may, in his

discretion, after all indebtedness has been fully paid and canceled, declare such depopulated school district disorganized, and attach the territory belonging thereto to adjoining school districts.¹⁰

SEC. 32. *When Depopulated.* [Laws 1893, ch. 135, sec. 4.] The term "depopulated school districts," as used in this act, shall be held to mean a school district having less than three legal voters therein; such fact to be ascertained by the county superintendent. It shall be the duty of the county superintendent, upon the filing of a written request by the holder of an outstanding school order, to make an investigation of the school district issuing such order, and report to the board of county commissioners the facts as to the population as aforesaid; and such report shall be conclusive on that question.

SEC. 33. *Shall Furnish Map.* [6913.] The county superintendent of public instruction of the several counties of the state shall, on or before March 1 of each year, furnish to each assessor within his county a map of the city or township of such assessor, showing the number and metes and bounds of every school district or part of school district within his township or city. (Laws 1885, ch. 198, sec. 3.)

SEC. 34. *Other Duties.* [5573.] He shall discharge such other duties as may be prescribed by law, and in cases of sickness or temporary absence he may employ a deputy. He shall deliver to his successor, within ten days after the expiration of his term of office, all books and papers appertaining to his office. (Laws 1881, ch. 152, sec. 14.)

SEC. 35. *Neglect or Refusal to Perform Duty.* [5574.] Every county superintendent who shall neglect or refuse to perform any act which it is his duty to perform, or shall corruptly or oppressively perform any such duty, he shall forfeit his office, and shall be liable on his official bond for all damages occasioned thereby, to be recovered in the name of the state for the benefit of the proper party, district, or county. (Laws 1881, ch. 152, sec. 15.)

SEC. 36. *Partially Depopulated Districts.* [Laws 1899, ch. 177, sec. 1.] That the superintendent of public instruction in any

10 *Disorganization of a School District.* No school district can be disorganized, whether depopulated or otherwise, unless all bonded indebtedness is paid off.

county is hereby empowered to disorganize partially depopulated school districts in his county.

SEC. 37. *Definition.* [Laws 1899, ch. 177, sec. 2.] For the purposes of this act, a school district shall be deemed partially depopulated when the number of persons resident thereof over the age of five years and under the age of 21 years shall be less than seven.

SEC. 38. *Petition.* [Laws 1899, ch. 177, sec. 3.] That such action shall not be taken by the county superintendent of any such county unless there shall be presented to him a petition signed by two-thirds of the *bona fide* residents of such school district having the qualifications of school-district electors, and who have resided continuously for one year in said school district, requesting such disorganization: *Provided*, That such disorganization shall not be final until approved by the board of county commissioners of the county in which the disorganized school district is situated: *And provided further*, That in any such school district where the whole number of district electors shall be less than six, and the number of residents of such district over the age of five years and under the age of 21 years shall be less than five, the county superintendent shall act without petition, when so directed by the board of county commissioners of such county.

SEC. 39. *Attached Territory.* [Laws 1899, ch. 177, sec. 4.] The county superintendent may attach the territory of any school district disorganized under the provisions of this act to any adjacent school district or school districts, but such attachment shall not become effective until approved by the board of county commissioners.

SEC. 40. *Bonded Indebtedness.* [Laws 1899, ch. 177, sec. 5.] That if any district so disorganized has a legally existing bonded indebtedness at the time of its disorganization, such indebtedness shall attach to and be a charge against the territory comprised in such disorganized district at the time of its disorganization, and it shall be the duty of the county commissioners of such county to annually cause to be levied upon the property, real and personal, in such disorganized territory, a tax sufficient to meet the interest and provide a sinking-fund for the payment of such indebtedness.

SEC. 41. *Floating Indebtedness.* [Laws 1899, ch. 177, sec. 6.] That if any school district so disorganized shall at the time of its disorganization have a floating indebtedness consisting of outstanding school orders, it shall be the duty of the county commissioners of the county, on information furnished by the county superintendent, to provide for the payment of such outstanding indebtedness by making a levy of taxes therefor upon all the real and personal property in the territory of the disorganized school district, which tax shall be entered by the clerk of the county on the tax-roll the same as other taxes: *Provided*, That no such levy shall exceed 10 mills on the dollar of the assessed valuation in any one year.

SEC. 42. *Orders Paid by County Treasurer.* [Laws 1899, ch. 177, sec. 7.] That the county treasurer shall pay all school orders mentioned in the preceding section out of any fund collected from the school taxes created by the special levy provided for in section 6 of this act: *Provided*, That no such school order shall be paid unless accompanied by an order from the county superintendent directing its payment.

SEC. 43. *Disposition of Funds.* [Laws 1899, ch. 177, sec. 8.] If at the time of the disorganization of any school district as herein provided for such district shall have in the hands of its treasurer or of the county treasurer of the county moneys belonging to it, or any unpaid taxes levied for the payment of its indebtedness, bonded or floating, such money shall be first applied to its indebtedness, floating and bonded; and if any money remain thereafter, then such money shall be distributed among the school districts to which such territory shall be attached, in such manner and amount as shall be directed by the county superintendent, who shall include in the order for the disorganization of such district an order for the distribution of its moneys as herein provided.

SEC. 44. *Disposition of Property.* [Laws 1899, ch. 177, sec. 9.] That if any school district so disorganized shall be the owner of real or personal property, the board of county commissioners of the county shall dispose of the same to the best advantage, and apply the proceeds thereof to the discharge of any indebtedness of such district, giving the preference to the floating indebtedness, if any, and if any money remain thereafter, then they shall distribute such money among the school district or dis-

tricts to which such territory may be attached as may to them seem just.

SEC. 45. *Territory not Liable.* [Laws 1899, ch. 177, sec. 10.] The territory of any school district so disorganized shall not be liable for any debt, floating or bonded, or any contract of any district to which it may be attached, existing at the time of such attachment.

SEC. 46. *Consolidation of Districts.* [Laws 1899, ch. 177, sec. 11.] The county superintendent of public instruction shall, when two or more adjoining districts have less than five pupils each of school age, combine the pupils of such districts and provide for a term of school, which shall be divided among the districts consolidated as he shall deem most convenient, and to which the pupils of each shall be admitted; he shall prorate the expense between the districts in proportion to the number of pupils from each, and shall certify the same to the county clerk on or before the 1st day of August of each year, and the board of county commissioners shall levy a tax against the property of said districts, sufficient to raise the amount shown by the said certificate: *Provided*, That whenever the school population of such districts so combined shall become less than six no term of school shall be held, but provision shall be made by the county superintendent for sending pupils to other schools as now provided by law in the case of districts which vote to have no school.

SEC. 47. *Conveyance of Pupils.* [Laws 1899, ch. 177, sec. 12.] That in any school district where there are pupils residing three or more miles from the schoolhouse, the school board of such district shall allow to the parent or guardian of such pupils a sum not to exceed 15 cents per day for not to exceed 100 days in each year, as compensation for conveying such pupils to and from the school: *Provided*, That no such compensation be allowed unless the pupil is actually conveyed to and from the school.

ARTICLE III.

SCHOOL DISTRICTS.

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| <p>§48. Shall be deemed organized, when.</p> <p>49. Shall be a body corporate.</p> <p>50. Joint districts, how formed and designated.</p> <p>51. Joint-district fund.</p> <p>52. New districts formed from one or more districts; apportionment of property.</p> <p>53. Annual meeting, when held; notice; special meetings.</p> <p>54. When business of annual meeting may be transacted at special meeting; when and how called.</p> <p>55. Notice of district meetings.</p> <p>56. Who may vote at district meetings.</p> | <p>§57. How to proceed when a voter is challenged.</p> <p>58. Powers of district meetings.</p> <p>59. District meetings may determine length of school term, etc.; when board may determine the same.</p> <p>60. Schoolhouse site may be changed.</p> <p>61. Value of schoolhouse, how determined.</p> <p>62. Schoolhouse site may be condemned, when and how.</p> <p>63. Territory annexed to city by extension of limits.</p> <p>64. Duty of county superintendent.</p> <p>65. Appeal to commissioners.</p> |
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SECTION 48. *Organization.* [5576.] Every school district shall be deemed duly organized when the officers constituting the district board shall have been elected and qualified, and shall have signified their acceptance to the county superintendent in writing, which the superintendent shall file in his office.¹¹ (Laws 1876, ch. 122, art. 3, sec. 1.)

SEC. 49. *Body Corporate.* [5577.] Every school district organized in pursuance of this act shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of school district No. — (such a number as may be designated by the county superintendent), — county (the name of the county in which the district is situated), state of Kansas, and in that name may sue and be sued, and be capable of contracting and being contracted with, and holding such real and personal estate as it may come into possession of by will or otherwise, or as is authorized to be purchased by the provisions of this act. (Laws 1876, ch. 122, art. 3, sec. 2.)

SEC. 50. *Joint Districts.* [5578.] When it shall become necessary to form a school district lying partly in two or more counties, the county superintendents of the counties in which the said tract of country shall be situated, when application

¹¹ Officers elected at first district meeting hold only until the next annual election.

shall be made in writing to any one of them by five householders resident therein, shall, if by them deemed necessary, meet and proceed to lay off and form the same into a school district, issue notices for the first district meeting, and shall file the proper papers in their respective offices; and such district so organized shall be designated joint district No. —, counties of —; and the boundaries of such district shall not be altered except by the joint action of the superintendents of the several counties represented in said district:¹² *Provided*, That if in the alteration of, or refusal to alter the boundaries of any joint school district, any person or persons shall feel aggrieved, such person or persons may appeal to the state superintendent of public instruction,¹³ and notice of such appeal shall be served on the superintendents of the several counties represented in said district within 10 days after the rendition by them of the decision appealed from, which notice shall be in writing, and shall state fully the objections to the action of the county superintendent, and a copy thereof shall be filed with the state superintendent of public instruction; and it shall be the duty of the county superintendent in whose possession are the papers connected with the action appealed from to transmit the same to the state superintendent of public instruction, immediately upon being served with notice of appeal, as hereinbefore presented; and thereupon the state superintendent of public instruction shall fix a time for the hearing of said appeal, and notify the several county superintendents interested, and the appellants, thereof; and his decision on said appeal shall be final, and shall be by him certified to the several county superintendents interested, and they shall take action in accordance therewith: *And provided further*, That each joint district, except in matters relating to the alteration of the boundaries thereof, shall be under the jurisdiction and control of the superintendent of that one of the counties represented in such district which has the largest amount of territory embraced within the boundaries of such joint district. (Laws 1879, ch. 158, sec. 1.)

12 *Division of Joint District.* A joint district cannot be divided on the county line, thus forming two districts, one in each county. Such action would involve the disorganization of a school district, something which a county superintendent is not authorized to do, unless it becomes depopulated.

13. It is held that appeals should be taken to the state superintendent, in the case of the *formation*, as well as alteration, of joint school districts.

SEC. 51. *Joint-District Fund.* [5579.] Whenever it shall appear that any school district in this state lies or is in two or more counties, it shall be the duty of the treasurer of the county or counties having the smaller amount of territory in said district to transfer to the treasurer of the county having the greater amount of territory of said district, before the 10th day of January, 1st day of July and 20th day of September of each year, all moneys in his hands belonging to said district, including all money for the payment of bonds or interest on bonds of said district; and the treasurer receiving said money shall issue therefor and forward to the treasurer so sending the money receipts in triplicate, one of which said treasurer shall file with the county clerk of the county, and the board of county commissioners thereof shall give said treasurer proper credit therefor. One of said receipts shall be sent to the county clerk of the county to which the money was sent, who shall charge the county treasurer with the amount thereof. (Laws 1889, ch. 226, sec. 1.)

SEC. 52. *Division of Property.* [5580.] When a new district is formed, in whole or in part, from one or more districts possessing a schoolhouse or entitled to other property, the county superintendent, at the time of forming such new district, shall equitably determine the proportion of the present value of such schoolhouse, or other property justly due to said new district.¹⁴

14 For the division of school property under the provisions of this section, the following rules are recommended, viz.:

FIRST RULE.

To be applied in dividing school property which has been procured with the proceeds of district taxes: (1) Find the *assessed valuation* of the taxable property of the undivided district, as returned on the last assessment roll of the county. (2) Find, in like manner, the *assessed valuation* of the taxable property of the territory which is to be cut off, and which does not retain the school property. (3) Find the *present value* of the school property of the undivided district, including moneys raised from district taxes and remaining in the treasury at the time the division is made, after discharging all indebtedness, including outstanding bonds. (4) Multiply the present value of the school property by the assessed valuation of the territory which is to be cut off. The product, divided by the assessed valuation of the undivided district, gives the amount due to the territory which is to be cut off.

SECOND RULE.

To be applied in dividing such school property as consists of moneys received by the undivided district from the state and county school funds: (1) Find the number of children of school age residing in the undivided district, as given in the last annual report of the clerk of the district. (2) Find, in like manner, the number of children of school age residing in the territory which is to be cut off, and which does not retain the school property. (3) Find the amount of state and county school moneys remaining in the treasury of the undivided

Such proportion, when ascertained, shall be levied by the district board of the district retaining the schoolhouse or other property, upon the taxable property of the district, and shall be collected in the same manner as if the same had been authorized by a vote of the district for building a schoolhouse, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a schoolhouse for such district. (Laws 1876, ch. 122, art. 2, sec. 4.)

SEC. 53. *Annual and Special Meetings.* [5582.] An annual meeting of each school district shall be held on the last Thursday of July of each year, at the schoolhouse belonging to the school district, at 2 o'clock P. M. Notice of the time and place of said annual meeting shall be given by the clerk by posting written or printed notices in three public places of the district, at least 10 days before said meeting.¹⁵ Special meetings may be called by the district board, or upon a petition signed by 10 resident taxpayers of the district, but notice of such special meeting, stating the purpose for which it is called, shall be posted in at least three public places in the district 10 days previous to the time of such meeting.¹⁶ (Laws 1889, ch. 220, sec. 1.)

SEC. 54. *Special Meetings.* [5583.] Whenever the time for holding an annual meeting in any district shall pass without said meeting being held, the clerk, or, in his absence, any other member of the district board, within 20 days after the time for holding said annual meeting shall have passed, may give notice of a special meeting, by putting up written notices thereof in three public places within the district, at least five days previous to the time of meeting; but if such meeting shall not be notified within 20 days as aforesaid, the county superintendent

district at the time the division is made, after discharging all indebtedness for teachers' wages. (4) Multiply the residue of state and county school moneys by the number of children residing in the territory which is to be cut off. That product, divided by the number of children of school age residing in the undivided district, gives the amount of state and county school moneys due to the territory which is to be cut off.

The county superintendent of public instruction should make the division of school property *at the time* of forming a new school district, but his failure to do so at the time does not impair the rights of said district.

15 A failure on the part of the district clerk to post the notices of the time and place of the annual meeting will not invalidate the proceedings of said meeting.

16 Notices of special meetings must be posted as required by law. A failure to so post them will invalidate the action of the meeting.

may give notice of such meeting in the manner provided for forming new districts; and the officers chosen at such special meeting shall hold their offices until the next annual meeting, and until their successors are elected and qualified. (Laws 1876, ch. 122, art. 3, sec. 7.)

SEC. 55. *Notice of Meetings.* [5534.] It shall be the duty of the clerk to give at least 10 days' notice previous to any annual or special district meeting, by posting up notices thereof at three or more public places in the district, one of which notices shall be affixed to the outer door of the schoolhouse, if there be one in the district, and said clerk shall give the like notice of every adjourned meeting, when such meeting shall have been adjourned for a longer period than one month. Every notice for a special district meeting shall specify the objects for which such meeting is called, and no business shall be acted upon at any special meeting not specified in said notice. (Laws 1876, ch. 122, art. 3, sec. 8.)

SEC. 56. *Qualified Voters.* [5585.] The following persons shall be entitled to vote at any district meeting: (1) All persons possessing the qualifications of electors as defined by the constitution of the state, and who shall have been in good faith residents of the district for 30 days next prior to the time of offering to vote at said election. (2) All female persons over the age of 21 years, not subject to the disqualifications named in section 2, article 5, of the constitution of the state, and who shall be residents in good faith of the district for 30 days next prior to the time of offering to vote at said election.¹⁷ (Laws 1889, ch. 223, sec. 1.)

SEC. 57. *Challenge.* [5586.] If any person offering to vote at a school-district meeting shall be challenged as unqualified by any legal voter, the chairman presiding shall declare to the person challenged the qualifications of a voter, and if such challenge be not withdrawn, the chairman, who is hereby authorized, shall tender to the person offering to vote the following oath or affirmation: "You do solemnly swear (or affirm) that you are an actual resident of this school district, and that you

17 *Naturalization.* A woman of foreign birth who is the wife of a naturalized foreigner, but who has not herself taken out naturalization papers, is entitled to vote at any school-district meeting, provided she possesses the other necessary qualifications. The naturalization of the husband naturalizes the wife and all children who are under the age of 21 years.

are qualified by law to vote at this meeting." Any person taking such oath or affirmation shall be entitled to vote on all questions voted upon at such meeting. (Laws 1876, ch. 122, art. 3, sec. 10.)

SEC. 58. *Powers of District Meetings.* [5587.] The inhabitants qualified to vote at a school meeting, lawfully assembled, shall have power—(1) to appoint a chairman to preside over said meeting in the absence of the director; (2) to adjourn from time to time;¹⁸ (3) to choose a director, clerk, and treasurer, who shall possess the qualifications of voters; (4) to designate by vote a site for a district schoolhouse; (5) to vote a tax annually, not exceeding 2 per cent., on the taxable property in the district, as the meeting shall deem sufficient for the various school purposes, and distribute the amount as the meeting shall deem proper in the payment of teachers' wages, and to purchase or lease a site;¹⁹ *Provided*, When not included within the limits of a town or village, said site shall not contain less than one acre; and to build, hire or purchase such schoolhouse, and to keep in repair and furnish the same with the necessary fuel and appendages; (6) to authorize and direct the sale of any schoolhouse site, or other property belonging to the district, when the same shall be no longer needful for the use of the district; (7) to give such direction and make such provisions as may be deemed necessary in relation to the prosecution or defense of any suit or proceeding in which the district may be a party.²⁰ (Laws 1885, ch. 181, sec. 1.)

SEC. 59. *School Term.* [5588.] The qualified voters at each annual meeting, or any special meeting duly called, may determine the length of time a school shall be taught in their district for the then ensuing year, which shall not be less than three months, and whether such school shall be taught by a male or female teacher, or both,²¹ and whether the school money

18 *Adjournment.* A district meeting has the right to adjourn from time to time, and if an adjournment is taken to a particular time, any business can be transacted at this adjourned session that might have been transacted at the regular meeting. No additional notice is necessary.

19 A tax may also be levied for the purpose of purchasing a district library, (See article XXII of this book.)

20 *Australian Ballot.* The Australian-ballot law does not apply to elections in school-district meetings.

21 The electors, at the annual or a special meeting, have no power to determine who shall or who shall not be employed as teacher, or the compensation such teacher shall receive. These are questions to be determined by the district board.

to which the district may be entitled shall be applied to the support of the summer or winter term of the school, or a certain portion to each ; but if such matters shall not be determined at the annual or any special meeting, it shall be the duty of the district board to determine the same. (Laws 1876, ch. 122, art. 3, sec. 12.)

SEC. 60. *Change of Site.* [5589.] That in school districts having schoolhouses the value of which is not less than \$400, the schoolhouse site shall not be changed except by a vote of at least two-thirds of the legal voters of the district in favor of such change. (Laws 1874, ch. 122, sec. 1.)

SEC. 61. *Appraisement.* [5590.] The value of schoolhouses in districts desiring to change the school site shall be determined by three appraisers, who shall be freeholders, chosen at a district meeting by the qualified electors of the district. (Laws 1874, ch. 122, sec. 2.)

SEC. 62. *Site Condemned.* [5591.] In case any school district or the board of education of any city of the second class cannot by purchase at reasonable rates, or by donation or otherwise, obtain title to the site selected by such school district ; or if it be deemed advisable by such school district or by the district board to add other ground to any schoolhouse site already selected ; or if, in good faith, but by mistake or otherwise, a schoolhouse has been or shall be erected wholly or partially upon any land or lot to which said school district at the time of the erection of such school building, or any addition thereto, had not acquired title, then, and in any such cases, upon the written application of the district board of such school district, or a majority of the board, it shall be the duty of the probate judge of the county in which such school district is situated to appoint three disinterested freeholders of such county, and not residents of such school district, to condemn and appraise such site, or addition thereto ; and in case such land or lot so condemned and appraised shall be an original selection for a schoolhouse site, the amount so condemned and appraised shall not, exceed $1\frac{1}{2}$ acres ; and if it be for an addition to an existing site, the additional amount condemned and appraised shall not, with the original site, exceed $1\frac{1}{2}$ acres. Immediately after their appointment, such appraisers shall proceed, and condemn and appraise the value of the site so selected, or the addition to such

existing site. And they shall, within 10 days thereafter, make and sign a report describing the land or lot so condemned, the purpose of which it was so condemned, and the appraised value thereof, which report shall be by them filed in the office of the register of deeds of the county in which such land or lot is situated, and by such register duly recorded, as other instruments of writing affecting the title to real estate are recorded. In appraising any schoolhouse site, or addition thereto, to which such school district had not title at the time of erecting any schoolhouse, or addition thereto, thereon, said appraisers shall exclude from their appraisal the value of such schoolhouse, or addition, and appraise such land or lot at its value, exclusive of such building, addition or other improvement placed thereon in good faith, but by mistake of said school district or said school-district board. Within 30 days after the report of said appraisers is filed in the office of the register of deeds, the district board of such school district shall pay to the county treasurer of the county in which such condemned land or lot is situated, for the use of the owner of such lands or lot, the amount of the appraised value thereof, and also 50 cents for said register of deeds for recording said report. And upon such payment being made to such county treasurer by such district board, the title to such site or addition thereto shall vest in such school district. Either party, the owner of the land or lot condemned or the school district, may appeal from such appraisal to the district court, in the same time and manner that appeals are taken from the judgments of justices of the peace in civil actions. (Laws 1885, ch. 174, sec. 1.)

SEC. 63. *Territory Annexed to City.* [Laws 1893, ch. 128, sec. 1.] When all the territory of a school district shall become annexed to a city of the first or second class by the extension of the boundaries of the city, all the school property, including moneys on hand and due to said district, together with all records and papers belonging to said district board, shall be transferred to, and the title vested in, the board of education of such city, and said board of education shall assume and be held responsible for the legitimate floating and bonded indebtedness of such annexed district.

SEC. 64. *Duty of County Superintendent.* [Laws 1893, ch. 128, sec. 2.] When, by the extension of the limits of any city of the

first or second class, a part of the territory of an adjacent district is annexed to such city, it shall be the duty of the county superintendent to determine the present value of all the school property of such district, also all moneys due to or in the hands of the district treasurer, and to equitably apportion the amount due the district board, or board of education, as the case may be. The amount due to the district board or board of education of such city, when ascertained by the county superintendent, shall be levied upon the taxable property of that district or corporation found to be in debt, and shall be collected in the same manner as if the same had been authorized by the vote of the district board or by the board of education of such city, and when collected it shall be paid to the treasurer of that district or board of education to which it is due. The board of education, or the district board retaining the schoolhouse, shall assume the bonded indebtedness incurred in building and furnishing such schoolhouse. All unadjusted claims of cities and school districts arising from such annexation previous to the passage of this act shall be adjusted in accordance with provisions of this section.

SEC. 65. *Appeal.* [Laws 1893, ch. 128, sec. 3.] If, in the adjustment of school property where a part of a school district has been annexed to a city of the first or second class, any person or persons shall feel aggrieved by the decision rendered by the county superintendent, an appeal may be taken to the board of county commissioners; but a notice of such appeal must be served upon the county superintendent in writing within 10 days after the rendition of his decision in adjusting the rights of the school district and the city school district. Such notice shall state fully the objections to the action of the county superintendent, a copy of which shall be filed with the county clerk, and also with the clerk of the district, or with the secretary of the board of education, as the case may be, affected by such decision. Such appeal shall be heard and decided by a majority of the board of county commissioners at their next regular meeting, and their decision shall be final.

ARTICLE IV.

UNION OR GRADED-SCHOOL DISTRICTS.

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| <p>§66. Graded schools, how established.</p> <p>67. Powers and duties of directors.</p> <p>68. Union district entitled to share of school funds.</p> <p>69. May levy taxes.</p> <p>70. Shall receive its share of school moneys.</p> <p>71. Duties of clerk of union district.</p> <p>72. Duties of treasurer of union district.</p> | <p>§73. Public schools in cities shall receive their share of public-school funds, on what condition.</p> <p>74. Any single district may establish graded schools.</p> <p>75. Annual meeting of graded-school districts, when held.</p> |
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SECTION 66. *How Formed.* [5668.] Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school in which instruction shall be given in the higher branches of education, the clerks of the several districts shall, upon a written application of five voters of the respective districts, call a meeting of the voters of such districts at some convenient place, by posting up written notices thereof in like manner as provided for calling district meetings; and if a majority of the voters in each of the two or more districts shall vote to unite for the purpose herein stated, they shall, at that meeting or at an adjourned meeting, elect a board of directors, consisting of a director, clerk, and treasurer. (Laws 1876, ch. 122, art. 7, sec. 1.)

SEC. 67. *Duties of Board.* [5669.] The board of directors provided in the preceding section shall, in all matters relating to the graded schools, possess all the powers and discharge all the like duties of the district board of directors, as prescribed in this act. (Laws 1876, ch. 122, art. 7, sec. 2.)

SEC. 68. *School Funds.* [5670.] The union district thus formed shall be entitled to an equitable share of the school funds, to be drawn from the treasurer of each district so uniting, in proportion to the number of children attending the said graded school for each district. (Laws 1876, ch. 122, art. 7, sec. 3.)

SEC. 69. *Levy Taxes.* [5671.] The said union district may levy taxes for the purpose of purchasing a building or furnishing proper buildings for the accommodation of the school, or for the purpose of defraying necessary expenses and paying teachers, but shall be governed in all respects by the law herein

provided for levying and collecting district taxes. (Laws 1876, ch. 122, art. 7, sec. 4.)

SEC. 70. *Apportionment.* [5672.] The clerk of the union district shall report in writing to the treasurer of each school district uniting in the union district the number of scholars attending the graded school from his district, their sex, and the branches studied; and the said district treasurer shall apportion the amount of school money due the union district, and pay the same over to the treasurer of the union district on order of the clerk and director thereof. (Laws 1876, ch. 122, art. 7, sec. 5.)

SEC. 71. *Clerk.* [5673.] The clerk of the union district shall make a report to the county superintendent of public instruction, and discharge all the duties of clerk in like manner as clerk of the district. (Laws 1876, ch. 122, art. 7, sec. 6.)

SEC. 72. *Treasurer.* [5674]. The treasurer of the union district shall perform all the duties of treasurer as prescribed in this act, in like manner as the district treasurer. (Laws 1876, ch. 122, art. 7, sec. 7.)

SEC. 73. *Apportionment to Cities.* [5675.] The public schools of any city, town, or village, which may be regulated by special law set forth in the charter of said city, town, or village, shall be entitled to receive their proportion of the public school fund: *Provided*, The clerk of the board of education in such city, town, or village shall make due report within the time and manner prescribed in this act, to the county superintendent of public instruction. (Laws 1876, ch. 122, art. 7, sec. 8.)

SEC. 74. *Single District.* [5676.] Any single district shall possess power to establish graded schools, subject to the provisions of this article, in like manner as two or more districts united.²² (Laws 1876, ch. 122, art. 7, sec. 9.)

SEC. 75. *Annual Meeting.* [5677.] The annual meeting of union or graded-school districts shall be held on the last Wednesday in June, at such hour as may be indicated by the board. (Laws 1876, ch. 122, art. 7, sec. 10.)

²² The proper construction of this section is, that a single district shall follow the method employed in establishing a graded school when two or more districts are united, as far as the law may be applicable. The regular board of directors should go on with the management of the schools in the district, and grade them in accordance with the action of the school-district meeting; hence a new board of directors need not be elected.

ARTICLE V.

DISTRICT OFFICERS.

- §76. Officers; term of office.
- 77. Official oath.
- 78. Forfeiture of office; vacancy, how filled.
- 79. Duty of directors.
- 80. Duty of district clerk.
- 81. Clerk shall be *ex officio* clerk of all district meetings.
- 82. Shall draw orders on district treasurer.
- 83. Clerk's annual report; to whom made, when and how.
- 84. County treasurers.
- 84a. Treasurer pay no money, when.
- 85. Shall report to each county superintendent; joint district.
- 86. Penalty for false report.
- 87. District clerk shall report to county clerk a list of resident taxpayers.
- 88. Fine for failure to report district tax to county clerk.
- 89. Shall report to county superintendent, what.
- 90. District and city clerks, and clerks of boards of education, shall report bonded indebtedness to county clerk.
- 91. Fine for not delivering records to successor.
- 92. District treasurer shall execute bond.
- 93. Shall pay school moneys, on whose order.
- 94. Shall receive school moneys from county treasurer, on whose order.
- 95. District taxes voted but not levied in any year shall be collected with taxes of the year following.
- §96. District treasurer shall keep account, etc.; shall report in writing at annual meeting.
- 97. Procedure, if he does not pay over moneys to his successor.
- 98. Powers and duties of school-district board; shall execute all lawful orders of district.
- 99. Shall have care of property of district.
- 100. May open schoolhouse for the use of religious, political, literary, scientific, mechanical or agricultural societies.
- 101. The board may remove schoolhouse or other improvement, when; probate judge may appoint appraisers to condemn site, etc.
- 102. May admit non-resident pupils, when.
- 102a. Discontinue schools; send children to other districts.
- 102b. Send children to other districts; when.
- 103. Shall hire qualified teachers; may dismiss teachers for cause.
- 104. Records and reports.
- 105. Shall provide necessary appendages, when.
- 106. May suspend a pupil for cause; appeal.
- 107. Shall furnish teachers with daily register; shall visit schools.
- 108. Shall cause district clerk to certify to county clerk the percentage of district taxes, when.
- 109. Judgments, how obtained; the board liable, when.

SECTION 76. *Officers; Term.* [5592.] The officers of each school district shall be a director, clerk, and treasurer, who shall constitute the district board,²³ and who shall be elected and hold their respective offices as follows: At the annual meeting in 1874 there shall be elected a director, who shall hold his office for three years; a clerk, who shall hold his office for two years; and a treasurer, who shall hold his office for one year; and thereafter at each annual meeting there shall be elected one member of said board in place of the outgoing member, who

²³ The officers of a school district constitute the board of directors in such a sense as to be able to transact the school business of the district *only when in session as a district board*. As the law is silent as to how, when and where the district board shall convene, each board should adopt a set of rules for its own government.

shall hold his office for three years, and until his successor shall be elected and qualified.²⁴ (Laws 1876, ch. 122, art. 4, sec. 1.)

SEC. 77. *Official Oath.* [5593.] School-district officers, before entering upon their official duties, shall take an oath to faithfully perform said duties;²⁵ and the chairman of any regular or special meeting is hereby authorized and empowered to administer such oath.²⁶ (Laws 1876, ch. 122, art. 4, sec. 2.)

SEC. 78. *Office Forfeited.* [5594.] Every person duly elected to the office of director, clerk or treasurer of any school district, who shall refuse or neglect, without sufficient cause, to qualify within 20 days after his election or appointment, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this act, shall thereby forfeit his right to the office to which he was elected or appointed, and the county superintendent shall thereupon appoint a suitable person in his stead.²⁷ (Laws 1876, ch. 122, art. 4, sec. 3.)

SEC. 79. *Director.* [5595.] The director of each district shall preside at all district meetings, and shall sign all orders drawn by the clerk, authorized by a district meeting or by the district board, upon the treasurer of the district, for moneys collected or received by him to be disbursed therein. He shall appear, for and in behalf of the district, in all suits brought by or against the district, unless other direction shall be given by the voters of such district, at a district meeting. (Laws 1876, ch. 122, art. 4, sec. 4.)

SEC. 80. *Clerk.* [5596.] The clerk of each district shall record the proceedings of his district in a book provided by the district for that purpose, and enter therein copies of all reports made by him to the county superintendent; and he shall keep

24 *Compensation of District Officers.* Neither the district meeting nor the district board has the right to authorize or direct the payment of any compensation from the public fund to members of the board for their services.

25 *Neglect of Duty.* Where a district officer neglects or refuses to perform a duty, the proper proceeding to compel performance is a writ of mandamus.

26 A district officer can qualify before the chairman of a district meeting, the county superintendent, or any one authorized by law to administer oaths.

27 A county superintendent cannot remove a district officer. Such removal can be made only by an action brought in court. The vacancy being declared, the county superintendent shall appoint. A member of the district board cannot continue to act as a member thereof after he ceases to be a resident of the district, nor has he the right to appoint a deputy to discharge the duties of the office.

and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office. (Laws 1876, ch. 122, art. 4, sec. 5.)

SEC. 81. *Clerk of the Board.* [5597.] The said clerk shall be clerk of the district board and of all district meetings, when present;²⁸ but if such clerk shall not be present at any district meeting, the voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district. (Laws 1876, ch. 122, art. 4, sec. 6.)

SEC. 82. *Draw Orders.* [5598.] The clerk of the district shall draw orders on the treasurer of the district for moneys in the hands of such treasurer which have been apportioned to or raised by the district, to be applied to the payment of teachers' wages, and apply such money to the payment of the wages of such teachers as shall have been employed by the district board; and said clerk shall draw orders on the said treasurer for moneys in the hands of such treasurer, to be disbursed for any other purpose ordered by a district meeting or by the district board, agreeably to the provisions of this act.²⁹ (Laws 1876, ch. 122, art. 4, sec. 7.)

SEC. 83. *Annual Report.* [5599.] The clerk of each district shall, at least five days previous to the annual meeting in July of each year, make a written report, which he shall submit and read to the legal voters of the district at the annual meeting, for their information and consideration. If any change or alteration therein be necessary, the same shall be made, and it shall then be transmitted to the county superintendent of public instruction. Said report shall show: (1) The number of children, male or female, designated separately, residing in the district or part of district on the last day of June previous to the date of such report, over the age of five and under the age of 21 years; (2) the number of children attending school during the year, their sex, and branches studied; (3) the length of time a school

28 In transacting the school business of the district, the members of the board should meet as a district board, the clerk making a complete record of all proceedings. Members of a school-district board have not the right to enter into contract obligating said board outside of a regular meeting, and such meeting is not legal unless *all* members have been notified of the call of the same.

29 Should the director or other member of the board refuse to sign a legal order, payable to any party legally entitled to receive it, such officer may be compelled, by writ of mandamus, to sign.

has been taught in the district by a qualified teacher, the name of the teacher, the length of time taught by each teacher, and wages paid ; (4) the amount of money received from the county treasurer, arising from disbursement of the state annual school fund, the amount received from district taxes, and the amount received from all other sources during the year, and the manner in which the same has been expended ; (5) the amount of money raised by the district each year, and the purposes for which it was raised ; (6) the kind of books used in the schools, and such other facts and statistics in regard to the district school as the county superintendent may require. (Laws 1889, ch. 220, sec. 2.)

SEC. 84. *County Treasurers.* [5600.] All county treasurers in this state are hereby required to notify clerks of all school districts in their respective counties, by mail or otherwise, 10 days prior to the time fixed by law for holding the annual district meeting, of the amount of money drawn from the treasury by the district treasurer of his district since the commencement of the past school year, and shall also state in the same notification the balance remaining on hand, if any, in the county treasury to the credit of the respective districts. (Laws 1889, ch. 220, sec. 3.)

SEC. 84a. *Treasurer Pay no Money, When.* [5601.] The county treasurer shall pay no money to the district treasurers of his county after the close of the school year, June 30, until after the annual district meetings of the school districts have been held. (Laws 1889, ch. 220, sec. 4.)

SEC. 85. *Joint District.* [5602.] Whenever a school district shall lie partly in two or more counties, the clerk of such district, in making his annual report, shall carefully designate the number of children resident in the parts of the counties composing the district, and shall report to the county superintendent of public instruction of each of the counties in which such district may be partly situated. (Laws 1876, ch. 122, art. 4, sec. 9.)

SEC. 86. *Penalty.* [5603.] Every clerk of a district who shall wilfully sign a false report to the county superintendent of his county shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding \$100, or by imprisonment not exceeding three months. (Laws 1876, ch. 122, art. 4, sec. 10.)

SEC. 87. *Report to County Clerk.* [5604.] It shall be the duty of the several district clerks in this state to make out a certified

list of all persons residing within their respective districts liable to pay taxes, and transmit the same to the county clerks of their respective counties on or before the 25th day of August annually, except in incorporated cities. (Laws 1876, ch. 122, art. 4, sec. 11.)

SEC. 88. *Failure to Report.* [5605.] Any district clerk who shall fail to report the tax voted by his district to the county clerk, as is provided by law, shall be liable to a fine of not less than \$50; and it is hereby made the duty of the county superintendent to have the provisions of this act enforced. (Laws 1876, ch. 122, art. 4, sec. 12.)

SEC. 89. *Other Reports.* [5606.] The district clerk shall report to the county superintendent in writing the names and post-office address of the district officers elect, within two weeks after the said officers shall have been elected or appointed and qualified. The clerk shall also report to the county superintendent the time of the commencement of each term of school, within two weeks from the commencement of such term. (Laws 1876, ch. 122, art. 4, sec. 13.)

SEC. 90. *Report of Indebtedness.* [7104.] That in addition to the duties now required by law of the following officers, to wit, township clerks and clerks of incorporated cities, school-district clerks and clerks of boards of education, they shall each of them make and transmit to the clerk of their respective counties, on or before the 5th day of July in each year, a complete certified statement of the floating and bonded indebtedness, with date of issuing and of maturing of outstanding bonds; amount of sinking-fund, if any, for redeeming the same; and such other information as may be required by the county clerk concerning the financial condition of their respective townships, cities, or districts; and when no outstanding indebtedness exists, such fact shall be reported. (Laws 1877, ch. 90, sec. 1.)

SEC. 91. *Records.* [5613.] Every school-district clerk or treasurer who shall neglect or refuse to deliver to his successor in office all records, books and papers belonging to his office shall be subject to a fine not exceeding \$50. (Laws 1876, ch. 122, art. 4, sec. 20.)

SEC. 92. *Treasurer; Bond.* [5607.] The treasurer shall execute to the district a bond in double the amount, as near as

can be ascertained, to come into his hands as treasurer during the year, with sufficient securities, to be approved by the director and clerk, conditioned to the faithful discharge of the duties of said office.³⁰ Such bond shall be justified by the affidavit of the principal and his sureties: *Provided*, That the director of the district or the county superintendent of public instruction shall be authorized to administer the oaths in the justification of the treasurer and his sureties. And said bond shall be filed with the district clerk, and in case of the breach of any condition thereof, the director shall cause a suit to be commenced thereon, in the name of the district, and the money collected shall be applied by such director to the use of the district, as the same should have been applied by the treasurer; and if such director shall neglect or refuse to prosecute, then any householder in the district may cause such prosecution to be instituted. (Laws 1879, ch. 156, sec. 1.)

SEC. 93. *Duties.* [5608.] The treasurer of each district shall pay out, on the order of the clerk, signed by the director of the district, all public moneys which shall come into his hands for the use of the district.³¹ (Laws 1876, ch. 122, art. 4, sec. 15.)

SEC. 94. *Receive School Moneys.* [5609.] The county treasurer shall pay to each district treasurer in the county all school moneys in the county treasury belonging to the district, upon the order of the director and clerk of the district: *Provided*, That said order shall be accompanied by a certificate from the district clerk, stating that the treasurer of the district has executed and filed his bond as required by law. (Laws 1876, ch. 122, art. 4, sec. 16.)

SEC. 95. *District Taxes.* [5610.] Where a school-district tax has been voted, and from the fault or negligence of any officer,

³⁰ It is not proper for either the director or the clerk to become surety for the treasurer. The bond shall be executed before the treasurer is sworn. It is not necessary that the treasurer's bondsmen be residents of the district, though they ought to reside in the county. The bond becoming insufficient from any cause, the director and clerk may require the bond to be made good. Should a district treasurer fail or refuse to give a proper bond or to increase the same when deemed necessary, the county superintendent should declare the office vacant, and proceed to appoint a treasurer for the district.

³¹ *Registration.* When a warrant is presented and not paid for want of funds, it is the duty of the treasurer to register the same, and, when the proper funds are received, to pay said warrant, and all others which have been similarly presented, in the regular order of registration.

or any other cause, has not been levied and collected in any year, the same shall be added to and collected with the taxes of the year following; and the county treasurer shall pay over to the treasurers of the respective school districts all taxes he may have collected for the said districts, on the order of the district clerk, countersigned by the director, subject to the proviso contained in section 52 of this act.³² (Laws 1876, ch. 122, art. 4, sec. 17.)

SEC. 96. *Records and Reports.* [5611.] The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying particularly the sources from which money has been received and the person or persons to whom and the objects for which the same has been paid out. He shall present to the district, at each annual meeting, a report in writing, containing a statement of all moneys received by him from the county treasurer during the year; also, all moneys collected by him during the year from assessments in the district, and of the disbursement made by him, with the items of such disbursements, and exhibit the vouchers therefor, which report shall be recorded by the district clerk; and at the close of his term of office shall settle with the district board, and shall hand over to his successor said book, and all receipts, vouchers, orders and papers coming into his hands as treasurer of the district, together with all the moneys remaining in his hands as such treasurer. (Laws 1876, ch. 122, art. 4, sec. 18.)

SEC. 97. *Prosecution for Failure.* [5612.] If any district treasurer shall refuse or neglect to pay over any money in his hands belonging to the district, it shall be the duty of his successor in office to prosecute without delay the official bond of such treasurer, for the recovery of such money. (Laws 1876, ch. 122, art. 4, sec. 19.)

SEC. 98. *Schoolhouse.* [5614.] The district board shall purchase or lease such a site for a schoolhouse as shall have been designated by the voters at a district meeting, in the corporate name thereof, and shall build, hire or purchase such schoolhouse, as the voters of the district in a district meeting shall have agreed upon, out of the funds provided for that purpose, and make sale of any schoolhouse site or other property of the

³² Section 94 of this book.

district, and, if necessary, execute a conveyance of the same in the name of their office, when lawfully directed by the voters of such district at any regular or special meeting, and shall carry into effect all lawful orders of the district. (Laws 1876, ch. 122, art. 4, sec. 21.)

SEC. 99. *School Property.* [5615.] The district board shall have the care and keeping of the schoolhouse, and other property belonging to the district. They shall have power to make such rules and regulations relating to the district library as they may deem proper, and to appoint some suitable person to act as librarian, and to take charge of the school apparatus belonging to the district. (Laws 1876, ch. 122, art. 4, sec. 22.)

SEC. 100. *Use of Schoolhouse.* [5628.] The district board shall have the care and keeping of the schoolhouse and other property belonging to the district. They are hereby authorized to open the schoolhouse for the use of religious, political, literary, scientific, mechanical or agricultural societies belonging in their district, for the purpose of holding the business or public meetings of said societies, under such regulations as the school board may adopt.³³ (Laws 1876, ch. 125, sec. 1.)

SEC. 101. *Removal of Schoolhouses, etc.* [5627.] That whenever a schoolhouse or other improvements have been made upon the claim of any settler upon any of the public, Indian or railroad lands within this state, to which the said settler had no title, it shall be lawful for the school directors of the proper school district to remove the said schoolhouse or other improvements from the said claim at any time within one year from the time that the settler in any given case may acquire a title to his said claim: *Provided*, That if the said settler, in any given case, shall convey to said board of school directors one acre of the land upon which said schoolhouse or other improvements are situated, the same shall not be removed: *And provided further*, That if any schoolhouse shall have been built of stone, brick, or frame, costing not less than \$500, the probate judge of the county shall appoint three disinterested persons, who shall appraise and condemn one acre of such land upon which said improvements shall have been located; and it shall be the duty of the school directors of such district to pay the owner of such land the value of

³³ This section does not mean that school boards *must* open the schoolhouse for the purposes mentioned, but that they *may* if they think it best to do so.

such land as found by said appraisers. (Laws 1876, ch. 122, art. 4, sec. 32.)

SEC. 102. *Non-resident Pupils.* [5616.] The district board shall have power to admit scholars from adjoining districts. (Laws 1876, ch. 122, art. 4, sec. 23.)

SEC. 102a. *Discontinue Schools; Send Children to Other Districts.* [Laws 1895, ch. 217, sec. 1.] In any school district, if, in the judgment of the district board, the county superintendent concurring, the number of children in said district and the distance of the same from the schoolhouse, would not warrant the continuance of the school in said district, it shall then be lawful for the district, at its annual or special meeting called for the purpose hereinafter stated, and called in accordance with the law providing for special meetings in school districts, to make provision for the sending of the children of such district to such other school or schools as may seem in their judgment best; and for such purpose the school board is authorized to issue the warrants of said district in payment of extra expenses and tuition of such children: *Provided*, Such expense and tuition shall not exceed \$25 in any one month for all of said children that may be sent to other schools: *And provided further*,³⁴ That such discontinuance of the school in said district shall not bar the district from its share of the state school fund, if said children are continued in the school or schools of other districts the full time required by law for the maintenance of schools in the districts.

SEC. 102b. *Send Children to Other Districts, When.* [Laws 1895, ch. 217, sec. 2.] If in any school district there are children for whom it will be more convenient, by reason of distance from the school of the district where they live, to attend school in another district, the annual school meeting may make an order sending such children to the school of some other convenient district, and the school board is hereby authorized to issue the warrants of the district in payment of the extra expense and tuition of such children: *Provided*, The total amount so paid shall not exceed \$20 per month for all such children.

³⁴ This provision of the law is unconstitutional. A district must maintain a school for a period of three months in the year within the district to be entitled to any portion of the income of the state school fund.

SEC. 103. *Teachers.* [5617.] The district board in each district shall contract with and hire qualified teachers³⁵ for and in the name of the district,³⁶ which contract shall be in writing, and shall specify the wages per week or month as agreed upon by the parties, and such contract shall be filed in the district clerk's office; and, in conjunction with the county superintendent, may dismiss for incompetency, cruelty, negligence, or immorality.³⁷ (Laws 1876, ch. 122, art. 4, sec. 24.)

SEC. 104. *Records and Reports.* [5640.] It shall be the duty of the teachers of every district school or graded school to keep, in a register for this purpose, a daily record of the attendance and the deportment of each pupil, and of the recitations of each pupil in the several branches pursued in said school, and to make out and file with the district clerk, at the expiration of each term of the school, a full report of the whole number of scholars admitted to school during such term, distinguishing between male and female, the text-books used, the branches taught, and the number of pupils engaged in the study of said branches, and any other information the district board or county superintendent may require. The wages of a teacher for the last month of a school term shall not be paid by any district board, unless said teacher shall have complied with the requirements of this section. (Laws 1876, ch. 122, art. 6, sec. 1.)

SEC. 105. *Necessary Appendages.* [5618.] The district board shall provide the necessary appendages for the schoolhouse during the time a school is taught therein, and shall keep an ac-

35 It is held (1) that a "qualified" teacher is one holding a legal certificate; a contract with any other than a legally qualified teacher is not a legal contract; (2) should the teacher's certificate expire by limit of date during a term of school, said teacher must procure a new certificate or the contract becomes null and void; and (3) a contract to teach made by a district board with a member of said board is contrary to public policy.

36 *Contract.* It is not legal for a school-district board, previous to the annual meeting, to employ teachers for the new term of school. The law says plainly and distinctly that the annual meeting shall have the right to specify whether the teacher shall be male or female, and the length of term of school which shall be held. The annual school meeting cannot have this right and the board at the same time have the right to employ a teacher previous to the time for the meeting.

37 *Janitor Work.* In the absence of any law making it the duty of the teacher to assume the responsibility of janitor work necessary for the comfort and good order of the school under her charge, such work being necessary and indispensable, and further, since the provision for the equipment of the school is clearly the duty of the board, the inference certainly must be that the care of the schoolhouse properly belongs to the district board, and in no way can it be construed as a part of the teacher's duties, unless the contract entered into by the same shall so provide.

curate account of all expenses thus incurred, and present the same for allowance at any regular district meeting. (Laws 1876, ch. 122, art. 4, sec. 25.)

SEC. 106. *Suspend Pupil; Appeal.* [5619.] The district board may suspend, or authorize the director to suspend, from the privileges of a school, any pupil guilty of immorality or persistent violation of the regulations of the school, which suspension shall not extend beyond the current quarter of the school: *Provided*, That the pupil suspended shall have the right to appeal from the decision of said board of directors to the county superintendent, who shall, upon a full investigation of the charges preferred against said pupil, determine as to his guilt or innocence of the offense charged, whose decision shall be final. (Laws 1876, ch. 122, art. 4, sec. 26.³⁸)

SEC. 107. *School Duties.* [5620.] The district board shall furnish each teacher with a suitable daily register, and shall visit together, or by one or two of their number, all the schools of their district, at least once a term, and at such other periods during the term as in their opinion the exigencies of each school may require; at which visits they shall examine the register of the teacher and see that it is properly kept, and inquire into other matters touching the schoolhouse, facilities for ventilation, furniture, apparatus, library, studies, discipline, modes of teaching, and improvement of the school;³⁹ shall confer with the teacher in regard to condition and management, and make such suggestions as in their view would promote the interest and efficiency of the school, and the progress and good order of the pupils. The date and results of such visits shall be entered by the clerk of the board on their minutes. (Laws 1876, ch. 122, art. 4, sec. 27.)⁴⁰

38 The right of the teacher to punish for misconduct extends from the time the pupil leaves home to go to school until he returns home from school. This, however, does not relieve the parent from control of the child on his way to and from school. The control of school children on their way to and from school should be exercised concurrently by the parents and teacher. In case of grave misconduct, the teacher can suspend a pupil until the board can be notified of such action. Due diligence must be used by the teacher to serve notice on the board.

39 A school board has a right to make a rule requiring constant and prompt attendance at school, such a rule having in view the securing of the very object contemplated in the law establishing public schools. The interest of the pupil and of all the members of the school require promptness and regularity in attendance. Courts have held that such a rule may be enforced.

40 *Powers of District Board.* The district board has the power to prescribe the necessary rules and regulations for the management and government of the

SEC. 108. *Taxes.* [5625.] It shall be the duty of the school-district boards of the various school districts in the respective counties of the state to cause to be certified by the school-district clerk to the county clerk of their respective counties, on or before the 25th day of August, annually, the aggregate percentage by them levied on the real and personal property in each district, as returned on the assessment roll of the county; and the county clerk is hereby authorized and required to place the same on the tax-roll of said county, in a separate column or columns, designating the purpose for which such taxes were levied; and the said taxes shall be collected by the county treasurer and paid over to the treasurers of the respective school districts in the county, with the same power and restrictions and under the same regulations, and in all respects, as to the sale of real or personal property. He shall be authorized, and he is hereby required, to act according to the provisions and requisitions of the law for the collection of the taxes for state and county purposes. (Laws 1876, ch. 122, art. 4, sec. 30.)

SEC. 109. *Judgments.* [5626.] Whenever any final judgment shall be obtained against any school district, the district board shall levy a tax on such taxable property in the district for the payment thereof.⁴¹ Such tax shall be collected as other school-district taxes, but no execution shall issue on such judgment against the school district; and in case the district board neglect to levy a tax as aforesaid for the space of 30 days after such judgment shall become final, or in case the proper officer shall neglect to collect the tax levied within the time and in the manner provided by law, then the judgment creditor of the district may have and recover a judgment against the officer or officers so in default for the amount due him on such judgment against the district, with costs, upon which execution shall issue. (Laws 1876, ch. 122, art. 4, sec. 31.)

school. They may require a classification of pupils with respect to the branches of study pursued, and with respect to proficiency or degree of advancement in the same, and that there shall be prompt attendance, diligence in study, and proper deportment, and can determine the branches to be taught other than those required by law.

41 A judgment tax may be levied in addition to the 2-per-cent. tax for general school purposes, and the amount of tax which may be levied to pay a judgment is not limited.

ARTICLE VI.

DISTRICT SCHOOLS.



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| <p>§110. Branches taught in common schools; instruction shall be given in the English language.</p> <p>111. School month defined.</p> <p>112. District schools free to all resident children.</p> <p>113. Penalty for violation of this article; shall not apply to officers of cities of first and second class.</p> | <p>§114. Pupils with contagious diseases excluded, when.</p> <p>115. When a tuition fee may be assessed.</p> <p>116. Four months' school required, if school-house be good.</p> <p>117. Levy of tax for same, manner of.</p> <p>118. Failure of school board to hire teacher.</p> |
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SECTION 110. *Branches Taught.* [5634.] That in each and every school district shall be taught orthography, reading, writing, English grammar, geography, and arithmetic, and such other branches as may be determined by the district board:⁴² *Provided*, That the instruction given in the several branches taught shall be in the English language. (Laws 1877, ch. 170, sec. 1.)

SEC. 111. *School Month.* [5635.] A school month shall consist of four weeks of five days each, of six hours per day. (Laws 1876, ch. 122, art. 5, sec. 2.)

SEC. 122. *Free Schools.* [5636.] The district schools established under the provisions of this act shall at all times be equally free and accessible to all the children resident therein over five and under the age of 21 years, subject to such regulations as the district board in each may prescribe. (Laws 1876, ch. 122, art. 5, sec. 3.)

SEC. 113. *Penalty.* [5637.] The members of any district board wilfully violating any of the provisions of this article, or refusing the admission of any children into the common schools, shall forfeit to the county the sum of \$100 each for every month so offending during which such schools are taught; and all moneys forfeited to the common-school fund of the county under this act shall be expended by the county superintendent for the education of such children in the school district thus denied equal educational advantages: *Provided*, That any mem-

⁴² By the Laws of 1885, ch. 169, sec. 1, physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics upon the human system, must also be taught in each public school supported by public money and under state control.

ber of said board who shall protest against the action of his said board in excluding any children from equal educational advantages, or in violating any of the provisions of this article, shall not be subject to the penalty herein named: *And provided further*, That the provisions of this act shall not apply to cities of the first or second class. (Laws 1877, ch. 170, sec. 2.)

SEC. 114. *Contagious Diseases*. [5638.] No pupil infected with any contagious disease shall be allowed to attend any common school, or remain in any schoolroom while so infected. (Laws 1876, ch. 122, art. 5, sec. 5.)

SEC. 115. *Tuition Fee*. [5639.] Whenever there be not public money enough belonging to any school district to support a public school the length of time determined at the annual meeting, or at a special meeting duly called, the district board, to meet said deficiency, may assess a tuition fee upon each scholar attending such school, the assessment to be proportioned to the number of days each pupil has been in actual attendance during the term: *Provided*, That no tuition fee shall be levied upon the scholars in any of the public schools of this state, in accordance with the provisions of this act, unless the entire amount of 1 per cent. for teachers' wages, as required by law, be first assessed upon the taxable property of said school district. (Laws 1876, ch. 122, art. 5, sec. 6.)

SEC. 116. *Length of School Term*. [5861.] That in all school districts in this state in which there is a good and sufficient school building,⁴³ a school shall be maintained for a period of not less than four months, between the 1st day of October and the 1st day of June in each school year. (Laws 1881, ch. 150, sec. 1.)

SEC. 117. *Tax Levy*. [5862.] Should the legal voters of any school district, at their annual school meeting, or special meeting called for that purpose, or the school-district board, neglect, refuse or fail to provide a sufficient levy of tax upon the taxable property of such district to maintain a public free school for a period of not less than four months in each school year, the

⁴³ *Absence of Building*. The absence of a "good and sufficient school building" cannot be used as an excuse for claiming the school dividend, if a district fails to have three months' school. Section 4, article 6, of the state constitution, provides that no school district in which a common school has not been taught at least three months in each year shall be entitled to receive any portion of the state school fund.

county superintendent of such county shall, in conjunction with the county commissioners, immediately make an estimate of the amount necessary to support and maintain a public free school in such district for a period of not less than four months for the then ensuing school year, and certify the same to the county clerk of such county; and it is hereby made the duty of such county clerk to place the said levy upon the tax-roll of such county for that year, and such tax shall be collected at the same time and in like manner as other taxes are collected. (Laws 1881, ch. 150, sec. 2.)

SEC. 118. *Duty of County Superintendent.* [5863.] The county superintendent shall, upon the failure or refusal of the board of directors of any school district to provide and maintain such school as is provided by this act, on or before the 1st day of December of the current school year, hire a teacher or teachers for such school district, and provide the necessary fuel and appendages for the maintenance of such school or schools for at least four months during the current school year; and upon the close of such school, and after the teacher of said school has made such reports of the same as provided by law, he shall certify to the treasurer of such district the amount due such teacher for his services, and also the amount due, and the party or parties to whom due, for fuel and other necessary expenses incurred in the support and maintenance of such school; and it is hereby made the duty of the treasurer of such district to pay, upon the order of such county superintendent, the amount or amounts found due by said county superintendent, and the filing of a sworn itemized statement of the several amounts so found due by such person or persons: *Provided*, That any qualified voter of such district is hereby authorized to bring suit against such county superintendent, in the name of and in behalf of the district, for failure to comply with the provisions of this act; and all fines collected under the provisions of this act shall be paid into the county treasury for the use and benefit of the county school fund of such county: *Provided further*, That the provisions of this act shall not apply to those school districts which will be required to levy more than 1 per cent. to support and maintain such school as is provided for by this act. (Laws 1881, ch. 150, sec. 3.)

ARTICLE VII.

COMPULSORY ATTENDANCE AT SCHOOL.

§119. Number of weeks children are required to attend school.

120. Penalty for failure to comply with the provisions of this act.

§121. Duty of school officers; penalty for neglect.

122. Malicious prosecution.

SECTION 119. *Children Shall Attend School.* [5850.] That every parent, guardian, or other person in the state of Kansas having control of any child or children between the ages of 8 and 14 years, shall be required to send such child or children to a public school or private school, taught by a competent instructor, for a period of at least 12 weeks in each year, six weeks of which time shall be consecutive, unless such child or children are excused from such attendance by the board of the school district or the board of education of the city in which such parent, guardian, or person having control resides, upon its being shown to their satisfaction that such parent or guardian was not able, by reason of poverty, to clothe such child properly; or that such child's bodily or mental condition has been such as to prevent his attendance at school or application to study for the period required; or that such child or children are taught at home in such branches as are usually taught in the public schools, subject to the same examination as other pupils of the district or city in which the child resides; or that he has already acquired the ordinary branches required by law; or that there is no school taught within two miles by the nearest traveled road. (Laws 1874, ch. 123, sec. 1.)

SEC. 120. *Penalty for Violation of this Act.* [5851.] Any parent, guardian or other person failing to comply with the provisions of this act, shall upon conviction be deemed guilty of a misdemeanor and fined in a sum not less than \$5 nor more than \$10 for the first offense, nor less than \$10 nor more than \$20 for the second and every subsequent offense. Said action shall be prosecuted in the name of the state of Kansas before any court of competent jurisdiction, and all fines so collected shall be paid into the county treasury for the support of common schools. (Laws 1874, ch. 123, sec. 2.)

SEC. 121. *Duty of School Officers; Penalty.* [5852.] It shall be the duty of any school director or president of the board of education to inquire into all cases of neglect of the duty prescribed in this act, and ascertain from the person neglecting, the reasons, if any, therefor, and shall forthwith proceed to secure the prosecution of any offense occurring under this act; and any director or president neglecting to secure such prosecution for such offense within 10 days after a written notice has been served on him by any taxpayer in said district or city, unless the person so complained of shall be excused by the district or city board or board of education for reasons hereinbefore stated, shall be deemed guilty of a misdemeanor, and liable to a fine of not less than \$20 nor more than \$50, which fine shall be prosecuted for and in the name of the state of Kansas; and such fine, when collected, shall be paid into the county treasury, as in section 2 of this act.⁴⁴ (Laws 1874, ch. 123, sec. 3.)

SEC. 122. *Malicious Prosecution.* [5853.] That upon the trial of any offense, as charged herein, if upon such trial it shall be determined that such prosecution was malicious, then the costs in such case shall be adjudged against the complainant, and collected as fines in other cases. (Laws 1874, ch. 123, sec. 4.)

44 Section 120 of this book.

ARTICLE VIII.

UNIFORMITY OF TEXT-BOOKS.

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| §123. Vote of districts.
124. Election of delegates.
125. District boards shall vote, where.
126. County text-book board.
127. Publishers' guaranty.
128. County superintendent chairman; shall furnish each district list of books adopted. | §129. How often board elected.
130. Cities of first and second class exempted, but may join with county in uniformity.
131. Change of books shall not be made for five years.
132. Penalty for violation.
133. Disposition of fines. |
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SECTION 123. *Vote of Districts.* [5864.] School districts may, at their annual meetings for the election of school officers, indicate by a majority of all the votes cast at such meeting their desire for a county uniformity of text-books, which vote shall be transmitted to the county superintendent of public instruction by the clerk of the aforesaid school district, within 10 days from the time of such vote.⁴⁵ (Laws 1885, ch. 171, sec. 1.)

SEC. 124. *Election of Delegates.* [5865.] Wherever a majority of all the districts of a county in any one year shall indicate, as in section 1, their desire for a county uniformity of text-books, the county superintendent of public instruction shall notify the districts of such vote, and at the same time call for one delegate from each municipal township and city of the third class in the county, to be elected at a meeting of the school boards of such townships, on a day and at a place and hour specified in said call: *Provided*, That if, by virtue of section 8 of this act, any city of the first or second class shall decide to adopt the provisions of this act in the matter of county uniformity, then the city so adopting shall send the superintendent of the city schools, and one other person to be elected by the board of education, to be the representatives of such city on the county text-book board. (Laws 1885, ch. 171, sec. 2.)

SEC. 125. *Shall Vote, Where.* [5866.] District boards shall vote in the county and township in which their schoolhouses are located. (Laws 1885, ch. 171, sec. 3.)

SEC. 126. *County Text-book Board.* [5867.] The delegates so elected shall constitute a county text-book board, whose duty it

⁴⁵ Section 130 of this book.

shall be to select and prescribe the text-books to be used in each branch of study required by law to be taught in the public schools. (Laws 1885, ch. 171, sec. 4.)

SEC. 127. *Publishers' Guaranty.* [5868.] No text-book shall be prescribed in pursuance of the provisions of this act unless the publishers thereof shall have first filed with the county superintendent of public instruction a guaranty of its price, quality and permanence of supply for five years, together with a good and sufficient bond for the faithful compliance with said guaranty, conditioned in such sum as the county text-book board may determine and approve. (Laws 1885, ch. 171, sec. 5.)

SEC. 128. *Shall Furnish Each School District a List.* [5869.] The county superintendent of public instruction shall be *ex officio* chairman of said county text-book board, and shall furnish each school district a list of the text-books selected and prescribed in pursuance of the provisions of this act, which list shall be posted by the district clerks in their respective school-houses; and said list shall comprise the only legal text-books for the schools of said county, and it is hereby required of the school board to conform to the said lists in the text-books prescribed for use in their schools. (Laws 1885, ch. 171, sec. 6.)

SEC. 129. *Once in Every Five Years.* [5870.] A county text-book board may be elected once in every five years in each county, in the manner prescribed in this act, whose powers and duties shall be the same as those hereinbefore enumerated.⁴⁶ (Laws 1885, ch. 171, sec. 7.)

SEC. 130. *Cities of the First and Second Class May.* [5871.] Any cities of the first and second class are hereby exempted from the provisions of this act, except that any such city may,

⁴⁶ *County Uniformity*, after having once been adopted, continues in force until the expiration of five years and until another vote is taken upon the subject; and when the county uniformity text-book board meets and adopts a series of books, their power ceases, and the series so adopted must be kept in use for a period of not less than five years. At the expiration of the five years, or at any annual meeting thereafter, a vote may be taken in the several districts of the county upon the question of county uniformity as originally voted upon. If a majority of all the districts in the county vote in favor of county uniformity, then a new text-book board must be elected, as provided for in the law. Should the vote of a majority of all the districts in the county be against county uniformity, then the existing uniformity is at an end. The county superintendent, however, has no power to require this vote, nor to cause another text-book board to be elected. Should there not be, as shown by the vote, a majority of the districts either for or against county uniformity, or should there be no vote upon the subject, then the existing county uniformity continues in force.

by a vote of its board of education, decide to join in a uniformity of text-books with the county in which such city is situated ; and so deciding, such city shall be represented on the county text-book board, as provided in section 2 of this act. (Laws 1885, ch. 171, sec. 8.)

SEC. 131. *When Change May be Made.* [5872.] When a uniformity of text-books shall be adopted in any county in pursuance of the provisions of this act, no change shall be made in such county for a period of five years from the date of such adoption of any particular series of text-books ; but no member of any board of education, school board, or text-book board, and no teacher while employed in teaching, shall act as agent for any author, publisher, or bookseller ; nor shall any member of said boards, or any of them, or any employed teacher, directly or indirectly, receive any gift, emolument or reward for his or her influence in recommending or introducing any book, school apparatus or furniture of any kind whatever ; and any member of either of said boards, and any teacher, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be punished as provided in section 2 of chapter 157 of the Laws of 1879. (Laws 1885, ch. 171, sec. 9.)

SEC. 132. *Penalty.* [5622.] That any member of any school-district board or board of education who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail for a period of not less than six months, or by both such fine and imprisonment ; and any teacher who shall violate any of the provisions of this act shall be liable to immediate dismissal. (Laws 1879, ch. 157, sec. 2.)

SEC. 133. *Disposition of Fines.* [5623.] All fines collected for any violation of this act shall be paid to the treasurer of the county where the suit is brought, for the support of common schools. (Laws 1879, ch. 157, sec. 3.)

ARTICLE IX.

COUNTY HIGH SCHOOLS.

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| <p>§134. What counties may establish.
 135. Election, how called.
 136. County commissioners shall canvass vote, etc., and appoint trustees.
 137. Trustees elected, when and how.
 138. Officers of the board of trustees; quorum for transaction of business.
 139. Estimate of funds, when made; tax shall not exceed six mills.
 140. Tax levied, collected, and paid out, how.
 141. Duties of treasurer and secretary of high school.
 142. Site to be selected and purchased by board of trustees; may lease suitable buildings.
 143. Principal and assistant teachers to be employed by board of trustees.
 144. Three courses of study shall be provided.
 145. Tuition; rules and regulations to be adopted by the board of trustees.</p> | <p>§146. Vacancies may be filled from other counties, when.
 147. Principal shall make rules and regulations for government of school.
 148. Rights and privileges of those graduating from normal course.
 149. Report of trustees to board of county commissioners.
 150. Vacancies in board of trustees, how filled.
 151. Salary of trustees.
 152. May be established at county-seats.
 153. Course of study.
 154. Privileges of graduation.
 155. May employ teachers.
 156. Free to pupils in the county.
 157. Petition or election.
 158. High-school tuition.
 159. County treasurer collect taxes.</p> |
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SECTION 134. *What Counties.* [5874.] Each county having a population of 6000 inhabitants or over, as shown by the last state or federal census, may establish a county high school on the conditions and in the manner hereinafter prescribed, for the purpose of affording better educational facilities for pupils more advanced than those attending district schools, and for persons who desire to fit themselves for the vocation of teaching. (Laws 1886, ch. 147, sec. 1.)

SEC. 135. *Election.* [5875.] When one-third of the electors of a county, as shown by the returns of the last preceding election, shall petition the board of county commissioners requesting that a county high school be established in their county at a place in the said petition named, or whenever the said county commissioners shall at their discretion think proper, they shall give 20 days' notice previous to the next general election, or previous to a special election called for that purpose, that they will submit the question to the electors of said county whether such high school shall be established, and at the place specified, at which election the electors of the county shall vote by ballot for or against establishing such high school. The notice con-

templated in this section shall be given as are all legal notices of a general or of a special election. (Laws 1886, ch. 147, sec. 2.)

SEC. 136. *Board of Trustees.* [5876.] After said election, the ballots on said question shall be canvassed in the same manner as in the election for county officers, and if a majority of all the votes cast shall be in favor of establishing such high school, the county commissioners shall immediately proceed to appoint six persons, who shall be residents and freeholders of the county, but not more than two of whom shall be residents of the same township or city, who shall, with the county superintendent of instruction, constitute a board of trustees for said school. Each of said trustees appointed as aforesaid shall hold his office until his successor is elected and qualified, and shall be required, within 10 days after appointment, to qualify by taking the usual oath of office, and by giving such bond as may be required by said county commissioners for the faithful discharge of his duties. (Laws 1886, ch. 147, sec. 3.)

SEC. 137. *Trustees Elected, When.* [5877.] At the next general election after said appointment there shall be elected in said county six high-school trustees, who shall be divided into three classes of two each, the term of office of each class to be one, two and three years, respectively, the respective terms to be decided by lot. Each year thereafter there shall be two such trustees elected to succeed those whose term is about to expire. Said trustees shall qualify and enter upon the duties of their office in the same manner and at the same time as other county officers. (Laws 1886, ch. 147, sec. 4.)

SEC. 138. *President, Secretary, and Treasurer.* [5878.] The county superintendent shall, by virtue of his office, be president of said board of trustees. At their first meeting in each year they shall appoint from their own number a secretary and treasurer, who shall perform the usual duties devolving upon such officers, and shall hold office for one year, or until their successors are appointed and qualified. Said treasurer shall give such additional bond as the county commissioners shall deem sufficient. A majority of said board shall constitute a quorum for the transaction of all business, but four votes shall be required to decide any question. (Laws 1886, ch. 147, sec. 5.)

SEC. 139. *Teachers' Wages.* [5879.] At said first meeting, or at some succeeding meeting called for such purpose, said

trustees shall make an estimate of the amount of funds needed for building purposes, for payment of teachers' wages, and for payment of contingent expenses, and they shall present to the board of county commissioners a certified estimate of the rate of tax required to raise the amount desired for such purpose. But in no case shall the tax for such purpose exceed in one year the amount of six mills on the dollar on the taxable property of the county; and when the tax is levied for the payment of teachers' wages and for contingent expenses only, it shall not exceed three mills on the dollar. (Laws 1886, ch. 147, sec. 6.)

SEC. 140. *Taxes Levied and Collected.* [5880.] Said tax shall be levied and collected in the same manner as other county taxes, and when collected the county treasurer shall pay the same to the treasurer of the county high school, in the same manner that school funds are paid to the district treasurers, as required by law. (Laws 1886, ch. 147, sec. 7.)

SEC. 141. *Duties of Officers.* [5881.] The said treasurer of the high school shall receive from the county treasurer, and from other parties, all moneys that belong to the funds of said school, and shall pay out the same only by direction of the board of trustees, upon orders duly signed by the president and countersigned by the secretary, stating the purpose for which they were drawn. Both the secretary and treasurer shall keep an accurate account of all moneys received and expended for said school, and at the close of each year, or oftener if required by the board of trustees, they shall make a full statement of the financial affairs of the school. (Laws 1886, ch. 147, sec. 8.)

SEC. 142. *Locate Site and Lease Buildings.* [5882.] The said board of trustees shall proceed, as soon as practicable after the appointment as aforesaid, to select, at the place determined by the vote of the county, the best site that can be obtained without expense to the county, and the title thereof shall be vested in the said county; they shall then proceed to make purchases of material, and to let such contracts for their necessary school buildings as they may deem proper, but shall not make any purchase or contract in any year to exceed the amount on hand, and to be raised by the levy of tax for that year. The board of trustees, at their discretion, may lease suitable buildings for the use of the high school while new buildings are in process of erec-

tion, the rent to be paid by the fund created by the levy for high-school purposes. (Laws 1886, ch. 147, sec. 9.)

SEC. 143. *Employ Principal.* [5883.] When such board of trustees shall have finished a building for said school, they shall employ some suitable person, who shall take charge of the same and teach in the same, and shall be known as the principal of such school; and the trustees shall furnish such assistant teachers as they deem necessary, and shall provide for their salaries. (Laws 1886, ch. 147, sec. 10.)

SEC. 144. *Courses of Instruction.* [5884.] There shall be provided three courses of instruction, each requiring three years' study for completion, namely, a general course, a normal course, and a collegiate course. The general course shall be designed for those who cannot continue school life after leaving said high school. The normal course shall be designed for those who intend to become teachers, and shall fully prepare any who wish to enter the first year of professional work at the state normal school. The collegiate course shall fully prepare those who wish to enter the freshman class of the state university, or of the state agricultural college, or of any other institution of higher learning in this state. Whenever practicable, students in these courses shall recite in the same classes. Students in the last year of the normal course may be employed for a portion of their time in teaching the pupils of the first year in any course, and model schools shall be encouraged. (Laws 1886, ch. 147, sec. 11.)

SEC. 145. *Tuition and Admission.* [5885.] Tuition shall be free to all pupils residing in the county where the school is located. The board of trustees shall make such general rules and regulations as they may deem proper in regard to age and grade of attainments essential to entitle pupils to admission to such school: *Provided*, That no person shall be admitted to such high school who shall not have passed a satisfactory examination in all the work of the district schools of the county in which such high school is situated. If there should be more applicants than can be accommodated at any one time, each district shall be entitled to send its equal proportion of pupils, according to the number of pupils it may have, as shown by the last report to the county superintendent of public instruction; and the boards of the respective school districts shall designate such pu-

pils as may attend, subject to the proviso above. (Laws 1886, ch. 147, sec. 12.)

SEC. 146. *Non-resident Pupils.* [5886.] If at any time the school can accommodate more pupils than apply for admission from that county in which the school is situated, the vacancies may be filled by applicants from other counties, upon the payment of such tuition as the board of trustees may prescribe, but at no time shall such pupils continue in such school to the exclusion of pupils residing in the county in which such school is situated. (Laws 1886, ch. 147, sec. 13.)

SEC. 147. *Rules and Regulations.* [5887.] The principal of any such high school, with the approval of the board of trustees, shall make such rules and regulations as he may deem proper in regard to the studies, conduct and government of the pupils under his charge; and if any such pupil will not conform to nor obey the rules of the school, they may be suspended or expelled therefrom by the board of trustees. (Laws 1886, ch. 147, sec. 14.)

SEC. 148. *Privileges of Graduates.* [5888.] Those graduating from the normal course in the county high school shall be entitled to a teachers' second-grade certificate, and shall be admitted to the first year of professional work at the state normal school without further examination; and those graduating from the collegiate course shall be entitled to admission to the freshman class of the state university, and of the state agricultural college, without further examination. (Laws 1886, ch. 147, sec. 15.)

SEC. 149. *Report of Trustees.* [5889.] The board of trustees shall annually make a report to the county commissioners, which shall specify the number of students attending the high school during the year, their sex, and the branches taught, the text-books used, the number of teachers employed, the salaries paid, the amounts expended respectively for library, apparatus, buildings, and for all other purposes; also the amount of funds on hand, the debts unpaid, if any; the amounts due, if any; and all other information deemed important or expedient to report. Said report shall be printed in at least one newspaper of the county, if any is published therein, and a copy of the report shall be forwarded to the state superintendent of public instruction. (Laws 1886, ch. 147, sec. 16.)

SEC. 150. *Vacancies.* [5890.] The county commissioners shall have power to fill any vacancies that may occur in the board of trustees for that county, by appointment until the next general election. (Laws 1886, ch. 147, sec. 17.)

SEC. 151. *Compensation.* [5891.] The county commissioners shall allow each member of the board of trustees the sum of \$2 per day for the time actually employed in the discharge of his official duties, and when such accounts are presented for payment they shall be audited and paid out of the county treasury in the same manner as other accounts against the county. Said trustees shall not be entitled to any other remuneration for services and expenses. (Laws 1886, ch. 147, sec. 18.)

SEC. 152. *May be Established at County-seat.* [Laws 1897, ch. 180, sec. 1.] The county commissioners of any county of Kansas having a population of less than 2,500 be and they are hereby authorized to negotiate with the school districts at the county-seat of such county for the establishment of a county high school.

SEC. 153. *Course of Study.* [Laws 1897, ch. 180, sec. 2.] Such county high schools when established shall adopt a course of study to be prescribed by the state board of education.

SEC. 154. *Privileges of Graduation.* [Laws 1897, ch. 180, sec. 3.] Upon the presentation of a certificate of graduation from any such county high school, within one year from the date of the same, to any state institution of learning, the person presenting the same may be admitted without further examination to said institution of learning.

SEC. 155. *May Employ Teachers.* [Laws 1897, ch. 180, sec. 4.] For the purpose of carrying this act into effect, the boards of county commissioners in such counties may employ such number of teachers in addition to those regularly employed by the district at the county-seat as shall in their judgment be necessary for the purpose of conducting such schools, and pay such teachers from the general fund of the county.

SEC. 156. *Free to Pupils in the County.* [Laws 1897, ch. 180, sec. 5.] Such county high schools shall be free to all persons of school age in their respective counties.

SEC. 157. *Petition or Election.* [Laws 1897, ch. 180, sec. 6.] No county high school as herein provided for shall be established except upon a petition signed by a majority of the electors of the county, or pursuant to an election held in such county for the purpose of voting upon the question of establishing such county high schools.

SEC. 158. *High-school Tuition.* [Laws 1899, ch. 250, sec. 1.] That all school districts located in counties not maintaining a county high school are hereby authorized, at each annual meeting of the several school districts, to levy, in the manner provided by law for the levying of other taxes, a tax sufficient to pay in full the tuition in a high school in the county or any adjoining county in which said district is located of each and every scholar whose parents or guardians are actually residing in said districts in good faith at the date of such annual meeting who shall desire to attend said high school during the next ensuing school year; the number of such scholars to be ascertained and determined by the clerk of said district immediately prior to the holding of the annual meeting of said district.

SEC. 159. *County Treasurer Collect Taxes.* [Laws 1899, ch. 250, sec. 2.] The taxes provided for in section 1 of this act shall be paid to the county treasurer of the various counties as other taxes are paid, and when so collected shall be turned over to the school-district treasurer and receipted for by him as other school moneys, and he shall keep separate accounts of such funds, and shall pay the same out for the purposes mentioned in this act upon the same terms and conditions as other school-district moneys are paid out.

ARTICLE X.

NORMAL INSTITUTES.

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| <p>§160. Normal institutes to be held annually.</p> <p>161. Conductors and instructors; certificate of special qualifications required.</p> <p>162. Normal-institute fund, how raised; each candidate for a teacher's certificate shall pay a fee of one dollar.</p> <p>163. County treasurer custodian of funds.</p> <p>164. County superintendent shall transmit funds to county treasurer.</p> | <p>§165. State superintendent of public instruction shall certify to state auditor the number of persons enrolled in each institute; auditor shall issue order on state treasurer for \$50.</p> <p>166. Institute fund, how disbursed.</p> <p>167. County superintendent shall execute bond.</p> <p>168. Union institutes, how formed; custodian of fund.</p> |
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SECTION 160. *Normal Institutes.* [5655.] The county superintendents of public instruction shall hold annually, in their respective counties, for a term of not less than four weeks, a normal institute for the instruction of teachers and those desiring to teach: *Provided*, That in the sparsely settled portions of the state, two or more counties may be united in holding one normal institute, as hereinafter provided. (Laws 1877, ch. 136, sec. 1.)

SEC. 161. *Conductor and Instructors.* [5656.] The county superintendent of public instruction, with the advice and consent of the state superintendent of public instruction, shall determine the time and place of holding such normal institutes, and shall select a conductor and instructors for the same: *Provided*, That no person shall be paid from the institute funds for services as conductor or instructor of said institutes who has not received a certificate from the state board of examiners as to his special qualifications for that work. (Laws 1877, ch. 136, sec. 2.)

SEC. 162. *Normal-Institute Fund.* [5657.] To defray the expenses of said institute, the county superintendent shall require the payment of a fee of \$1 from each candidate for a teacher's certificate,⁴⁷ and the payment of \$1 registration fee for each person attending the normal institute; and the board of county commissioners may appropriate, as may by them be deemed necessary, for the further support of such institutes: *Provided*,

⁴⁷ The county superintendent must require the payment of a fee of \$1 from each *candidate* for a teacher's certificate. This fee should be collected in advance, and it cannot be returned to the unsuccessful applicant.

Such appropriation does not in any one year exceed the sum of \$100. (Laws 1877, ch. 136, sec. 3.)

SEC. 163. *Custodian.* [5658.] The fund thus created shall be designated the "normal-institute fund," and the county treasurer shall be the custodian of said fund. (Laws 1877, ch. 136, sec. 4.)

SEC. 164. *Monthly Reports.* [5659.] The county superintendent shall, monthly, and at the close of each institute, transmit to the county treasurer all moneys received by him, as provided in section 3,⁴⁸ together with the name of each person so contributing, and the amount; and the county treasurer shall place all such moneys to the credit of the "normal-institute fund." (Laws 1877, ch. 136, sec. 5.)

SEC. 165. *State Aid.* [5660.] It shall be the duty of the state superintendent of public instruction, annually, when 50 persons have registered as members of any normal institute organized under the provisions of this act and have paid the required registration fee, to certify the same to the auditor of state, who shall forward to the county treasurer of said county an order on the treasurer of the state for the sum of \$50, to be paid out of any money appropriated for that purpose; which amount the county treasurer shall place to the credit of the "normal institute fund." And the sum of \$3,000, or so much thereof as may be required, is hereby appropriated for the purposes herein named, for the fiscal year ending June 30, 1878, and the same amount for the fiscal year ending June 30, 1879, (Laws 1877, ch. 136, sec. 6.)

SEC. 166. *Disbursements.* [5661.] All disbursements of the "normal-institute fund" shall be upon the order of the county superintendent, and no orders shall be drawn on said fund except for claims approved by the county superintendent, for services rendered or expenses incurred in connection with the normal institutes.⁴⁹ (Laws 1877, ch. 136, sec. 7.)

SEC. 167. *Bond.* [5662.] Each county superintendent of public instruction shall, immediately after the passage of this

⁴⁸ Section 162 of this book.

⁴⁹ See also section 161. It is unlawful for the county treasurer to pay an order on the "normal-institute fund" drawn "for services rendered," in favor of any person not holding the certificate of the state board of education for institute work.

act, and hereafter, before entering upon the duties of his office, execute a bond to the state of Kansas in the sum of \$1000, with one or more sureties, conditioned for the faithful performance of his duties, which bond shall be approved by the county clerk and filed in his office. (Laws 1877, ch. 136, sec. 8.)

SEC. 168. *Union Institutes.* [5663.] Two or more counties, each having less than 3000 inhabitants, may be united in holding one normal institute, with the consent and by the direction of the state superintendent of public instruction: *Provided*, That the several county superintendents of the counties thus uniting shall choose one of their number to act for them in determining the time and place of holding the normal institute, and in selecting a conductor and instructors for the same, as provided in section 2:⁵⁰ *And provided*, That the person thus chosen shall draw all orders upon the "normal-institute fund," as provided in section 7:⁵¹ *And provided*, That the treasurer of the county in which such normal institute is held shall be the custodian of the "normal-institute fund," to whom the state and county appropriation for the benefit of the normal institute shall be transmitted, and to whom the several county superintendents of the counties thus uniting shall transmit the fees collected, as provided in section 3.⁵² (Laws 1877, ch. 136, sec. 9.)

50 Section 161 of this book.

51 Section 166 of this book.

52 Section 162 of this book.

ARTICLE XI.

CERTIFICATES.

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| <p>§169. State board of education.
 170. Meetings of board.
 171. Approval of course of study.
 172. Examination in professional subjects.
 173. Certificates issued.
 174. Other institutions entitled to credits.
 175. Examination in common branches.
 176. Examinations at approved institutions.
 177. Credits may be refused, when.
 178. Certificates from other states recognized.
 179. Certificates void, when.
 180. Certificates canceled, when.
 181. Graduates of state university.
 182. Graduates of other colleges.
 183. Graduates of normal schools.
 184. Renewal.</p> | <p>§185. County board of examiners, how constituted; qualifications and appointment.
 186. Public examinations; notice of same.
 187. Uniform examinations.
 188. State superintendent shall forward questions, when.
 189. Grades of certificates; first, second, and third.
 190. First grade; to whom issued.
 191. Second grade; to whom issued.
 192. Temporary certificate.
 192a. Examination.
 193. County certificates of force, where; may be revoked, for what causes.
 194. Examination of teachers in physiology and hygiene.
 194a. State normal school certificate.</p> |
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SECTION 169. *State Board of Education.* [Laws 1893, ch. 132, sec. 1.] There shall be a state board of education, consisting of the state superintendent of public instruction, the chancellor of the state university, the president of the state agricultural college, the president of the state normal school, and three others to be appointed by the governor by and with the consent and advice of the senate, selected from among those engaged in school work in the schools of the state. The three thus appointed by the governor shall hold their office for a term of two years, or until their successors are duly appointed and qualified. The state board of education thus constituted are hereby authorized and empowered to issue state diplomas to such professional teachers as may be found, upon critical examination, to possess the requisite scholarship and culture and who may also exhibit satisfactory evidence of unexceptionable moral character and of eminent professional experience and ability, and who have taught for two years in the state. All such diplomas shall be countersigned by the state superintendent of public instruction, and shall supersede the necessity of any and all other examinations of the person holding the same by county, city or local boards of examiners, and such diplomas shall be valid in any county, city, town or school district in the state during the life-

time of the holder, unless revoked by the state board of education.

SEC. 170. *Meetings of Board.* [Laws 1893, ch. 132, sec. 2.] The state board of education shall meet at such times and places as by them may be deemed necessary, and transact such business as may legally come before them, and examine all applicants who may present themselves for such examination; and, if satisfied with the scholarship, culture and moral character of the applicant and with his professional attainments and experience, said board shall issue a state diploma, or certificate, as the case may be, in accordance with such examination and the provisions of this act. The auditor of state is hereby authorized to issue warrants upon the state treasurer against any funds not otherwise appropriated, for the actual expenses of the members of said board of education incurred in attending the meetings or examinations provided for in this act, except for the examinations as specified in section 8 of this act:⁵³ *Provided*, In each case, that said warrant shall issue only upon the statement verified by affidavit of the member submitting such account, and approved by the secretary of said board of education: *Provided, also*, That the sum total of said expenses of the board shall not exceed \$300 per annum.

SEC. 171. *Approval of Course of Study.* [5653.] Upon the application of any college, university or educational institution of like standing, incorporated under the general laws of the state of Kansas, the state board of education shall have the power to examine the course of study prescribed and the character of the work done by it, and if, in the judgment of said board, it shall prove to have as efficient course of study as the four-years courses of study in the state normal school, the said state board of education shall have power to accept grade given on academic subjects completed in course and passed in regular examination to persons who are graduates of or may hereafter graduate from such institution, in lieu of the examinations on the same subjects required for the state certificate which said board is empowered to give by sections 1 and 2 of this act,⁵⁴ and section 8 of article 6, chapter 122, Laws of 1876. (Laws 1893, ch. 132, sec. 3.)

⁵³ Section 176 of this book.

⁵⁴ Sections 169 and 170 of this book.

SEC. 172. *Examination upon Professional Subjects.* [Laws 1893, ch. 132, sec. 4.] The board shall examine all persons whose grades are thus accepted, upon the professional subjects included in the course of study at the state normal school, viz.: Philosophy of education, history of education, school laws, methods of teaching, school management, and upon such other subjects as the regulations of the board require upon which they are unable to present grades as required in section 3 of this act.⁵⁵

SEC. 173. *Certificates Issued.* [Laws 1893, ch. 132, sec. 5.] To all persons receiving credits and passing examinations as required in the preceding section, the state board of education shall issue the three-years certificate provided for by the sections mentioned by the third section of this act,⁵⁵ and at the expiration of that time, if the holder of said certificate satisfies the board that he has taught successfully at least two years out of the three, and has kept himself well informed in the general literature of his profession, said board shall issue a life certificate in lieu of the first one issued.

SEC. 174. *Other Institutions Entitled to Credits.* [Laws 1893, ch. 132, sec. 6.] The graduates of the state university, the state agricultural college, and of institutions of learning in any of the United States maintaining, in the judgment of the state board of education, the same high grade of scholarship as required in section 3 of this act,⁵⁵ shall be entitled to similar credits.

SEC. 175. *Examination in Common Branches.* [Laws 1893, ch. 132, sec. 7.] When the examination papers show a lack of knowledge of the common branches, so-called, viz., history of the United States, arithmetic, grammar, geography, orthography, and penmanship, the said board is authorized to require the candidate to pass a specific examination upon the same.

SEC. 176. *Examinations at Approved Institutions.* [Laws 1893, ch. 132, sec. 8.] The state board of education is authorized to give examinations at the institutions whose courses of study it approves, each institution bearing the expenses of the same.

SEC. 177. *Credit May be Refused, When.* [Laws 1893, ch. 132, sec. 9.] When the said board satisfies itself that any institu-

⁵⁵ Section 171 of this book.

tion is not maintaining the standard by which it received the approval of the board, its graduates shall not be entitled to the credits provided in section 3.⁵⁶

§EC. 178. *Certificates from Other States Recognized.* [Laws 1893, ch. 132, sec. 10.] When the state board of education is satisfied that any resident of this state, holding a state certificate issued by any other state in the United States, secured the same by passing an examination equivalent to that given by said board, it may issue to said person the certificate as provided for in section 3 of this act,⁵⁶ without further examination.

§EC. 179. *Certificates Void, When.* [Laws 1893, ch. 132, sec. 11.] All life certificates issued by the state board of education or by the regents of the state normal school shall be void if the holder of the same should not be engaged in school work for three consecutive years: *Provided*, That certificates may be renewed by the state board of education.

§EC. 180. *Certificates Canceled, When.* [Laws 1893, ch. 132, sec. 12.] The said state board of education is empowered to cancel any state certificate which said board, on satisfactory proof, finds to be held by a person of immoral character or otherwise disqualified for a teacher.

§EC. 181. *Graduates of State University.* [Laws 1899, ch. 179, sec. 1.] Any graduate of the school of arts of the university of Kansas whose course of study shall have included the subjects required for the teacher's diploma of the said university shall, upon the presentation of said teacher's diploma of the said university to the state board of education, receive a three-years certificate to teach in the public schools of this state.

§EC. 182. *Graduates of Other Colleges.* [Laws 1899, ch. 179, sec. 2.] Any graduate of any other university or college incorporated under the laws of this state maintaining a department of education and maintaining the same or equivalent requirements for admission to the freshman class as the university of Kansas, and requiring and maintaining a regular four-years course thereafter for graduation, and accredited as such by the state board of education, shall, upon the presentation of the diploma of such university or college to the state board of education, receive from said board a three-years certificate to teach in the

public schools of this state; *Provided*, That his course of study shall have included the subjects required for the teachers' diploma of the university of Kansas, as approved by the state board of education.

SEC. 183. *Graduates of Normal Schools*. [Laws 1899, ch. 179, sec. 3.] The state agricultural college and any educational institution incorporated under the laws of the state, and accredited by the state board of education as maintaining a course of study including all the branches prescribed by law and required by said state board of education for securing a three-years certificate to teach in the public schools of the state, is hereby authorized to grant a diploma—the form of which shall be prescribed by the state board of education—to any person who shall complete the above-specified course of study, which diploma shall be accepted by state board of education as authorization for granting to the holder of such diploma a three-years certificate to teach in the public schools of the state of Kansas: *Provided*, Said person shall have given not less than twenty weeks to practice teaching under the provision of the pedagogical department of said educational institution.

SEC. 184. *Renewal*. [Laws 1899, ch. 179, sec. 4.] Any person holding a three-years certificate granted in accordance with the provisions of section 1 or section 2 of this act* may, at any time within six months before or after its expiration, apply to the state board of education for a life certificate, and if it shall appear to the said state board of education that the applicant is of good moral character, has taught successfully not less than two years of the three, and has kept himself well informed in the general literature of his profession, a life certificate shall be issued to said applicant by said board of education: *Provided*, That such life certificate shall be void if the holder thereof is out of the teaching profession for three consecutive years: *Provided*, That life diplomas may be renewed by the state board of education.

SEC. 185. *County Board of Examiners*. [5642.] In each county there shall be a board of county examiners, composed of the county superintendent, who shall be *ex officio* chairman of the board, and two competent persons, holders of first-grade

* Sections 181 and 182 of this book.

certificates or of state certificates, or of diplomas from the state university, the state normal school, or the state agricultural college, who shall be appointed by the county commissioners on the nomination of the county superintendent, and shall serve one year from the time of their respective appointments, and each of whom shall receive for his services the sum of \$3 per day for not to exceed three [four]⁵⁷ days in any one quarter of the year. (Laws 1885, ch. 175, sec. 1.)

SEC. 186. *Public Examinations.* [5643.] The board, two of whom shall constitute a quorum, shall, on the last Saturday of January, October, and April, and at the close of the county normal institute, only at such places as may be designated by the chairman (who shall give 10 days' notice of each examination), publicly examine⁵⁸ all persons proposing to teach in the common schools of the county (cities of the first and second class excepted) as to their competency to teach the branches prescribed by law; and such board of examiners shall issue certificates, as hereinafter provided, to all such applicants as shall pass the required examination and satisfy the board as to their good moral character and ability to teach and govern schools successfully. (Laws 1885, ch. 175, sec. 2.)

SEC. 187. *Uniform System of Examinations.* [5665.] That the state board of education is hereby instructed to prepare a series of questions for each examination, to be used in each county of the state of Kansas for the examination of teachers; and the state superintendent is hereby instructed to procure the printing of the same and distributing to the superintendents of

57 Members of the examining board can receive pay for no more than three days in any one quarter.

58 The awarding of a certificate, or any other act within the jurisdiction of the board, must have duly received, in the lawful course of business, the consent of at least two members of the board, in order to be, legally, an *act of the board*. County certificates can be legally granted only *by the board*.

A county certificate cannot be lawfully dated back beyond the time when the county board, in the lawful course of business, actually awarded the same.

Although county boards may, by revocation for cause, abridge, they cannot lawfully extend the time during which a certificate issued by them shall be in force, nor renew the same without a public examination of the holder thereof.

A public examination is the only legal basis for the issue of a certificate. It is the province of the board to determine the standing of the applicant in every study, and to inquire into the "competency" of the candidate to teach and govern a school successfully.

It is proper for the board to refuse a certificate to an applicant passing the necessary examination but not satisfying the board as to his ability to "teach and govern a school successfully."

the several counties in the state, as hereinafter provided. (Laws 1885, ch. 180, sec. 1.)

SEC. 188. *Questions Shall be Forwarded.* [5666.] The state superintendent shall forward all questions to the superintendents of the several counties in the state of Kansas: *Provided*, That said questions shall be forwarded in time to reach their destination at least two days before required for use: *And provided further*, That said questions shall not be opened except in the presence of a majority of the examining board on the day and hour of examinations. (Laws 1885, ch. 180, sec. 2.)

SEC. 189. *Grades of Certificates.* [5644.] Certificates issued by county boards shall be of three grades, first, second, and third, and shall continue in force respectively, three years, two years, and one year.⁵⁹ (Laws 1885, ch. 175, sec. 3.)

SEC. 190. *First Grade; to Whom Issued.* [5645.] Certificates of the first grade shall certify that the person to whom issued is proficient in and fully qualified to teach orthography, reading, writing, English grammar, composition, geography, arithmetic, United States history, constitution of the United States, bookkeeping, physiology and hygiene, (the theory and practice of teaching,) elements of natural philosophy, and shall not be issued to persons under 18 years of age, nor to such as have not taught successfully 12 school months:⁶⁰ *Provided*, That persons who receive first-grade certificates shall make a general average of not less than 90 per cent., and in no case shall a person receive a certificate of the first grade who shall fall below 70 per cent. in any one branch. (Laws 1885, ch. 175, sec. 4.)

SEC. 191. *Second Grade; to Whom Issued.* [5646.] Certificates of the second grade may be issued to persons of not less

59 *A Third-Grade Certificate* must be issued for one year, and applicants therefor must be examined in orthography, reading, writing, English grammar, geography, arithmetic, and physiology and hygiene, and "must satisfy the board as to their good moral character and ability to teach and govern schools successfully." Section 186 provides that the county board of examiners "shall publicly examine all persons proposing to teach . . . as to their competency to teach the branches prescribed by law." Sections 110 and 191 indicate what branches shall be taught in the public school.

Carrying Grades. The law does not authorize the carrying of grades from one examination to another, nor the granting of any privileges pertaining to the examination as a reward for attending normal institutes.

Certificate in Case of Joint District. In the case of a joint district, the certificate must be issued by the board of examiners of the county in which the largest amount of territory is found.

60 This experience need not have been had in Kansas, but must be shown to the satisfaction of the board of examiners.

than 17 years of age, who have taught successfully no less than three school months, and who shall fully satisfy the board as to their ability to teach all the branches prescribed for first-grade certificates, except bookkeeping and the elements of natural philosophy: *Provided*, That persons who receive a second-grade certificate shall make a general average of not less than 80 per cent., and in no case shall a person receive a second grade who falls below 60 per cent. in any one branch. (Laws 1885, ch. 175, sec. 5.)

SEC. 192. *Temporary Certificate*. [5648.] The county superintendent, upon request made in writing by each district board, and after satisfying himself by examination of the ability and proficiency of an applicant, may grant a temporary certificate in case of necessity, valid only in the designated district, and valid only until the next regular examination by the county board of examiners: *rovided*, That no such temporary certificate shall be granted to any applicant who has failed in examination at the last regular meeting of the board; nor shall such certificate be granted twice to the same person. (Laws 1885, ch. 175, sec. 7.)⁶¹

SEC. 192a. *Examination*. [5649.] No certificate shall be issued by any county board or county superintendent except upon examination, as provided in this act. (Laws 1885, ch. 175, sec. 8.)

SEC. 193. *Certificates of Force, Where; Revocation*. [5647.] No certificate shall be of force except in the county in which it is issued: *Provided*, That the county superintendent may indorse unexpired first-grade certificates issued in other counties on payment of the usual fee of \$1, which certificates shall thereby be valid in the county in which such indorsement is made for the unexpired time of the certificate. A certificate issued under this act may be revoked by the board of examiners on the ground of immorality, or for any cause that would have justified the

61 *Temporary Certificate*. Before issuing a temporary certificate, the county superintendent shall satisfy himself that the applicant possesses the qualifications that would enable him to secure a certificate at a regular examination. Such certificate cannot be renewed and cannot remain in force beyond the time of the next regular examination. The question of issuing a "temporary" certificate is optional with the county superintendent.

withholding thereof when the same was granted. (Laws 1885, ch. 175, sec. 6.)⁶²

SEC. 194. *Examination of Teachers in Physiology and Hygiene.* [5667.] No certificate shall be granted to any person to teach in any of the public schools of this state after the 1st day of January, 1886, who has not passed a satisfactory examination in the elements of physiology and hygiene, with special reference to the effects of alcohol stimulants and narcotics upon the human system; and provision shall be made by the proper officers, committees and boards for instructing all pupils in each public school supported by public money and under state control upon the aforesaid topics. (Laws 1885, ch. 169, sec. 1.)

SEC. 194a. *State Normal School Certificate.* [6329.] As soon as any person has attended said institution 22 weeks, said person may be examined in the studies required by the board, in such manner as may be prescribed, and if it shall appear that said person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate to that effect from the principal, to be approved by the superintendent of public instruction; and as soon as any person shall have completed the full course of instruction in the state normal school, he or she shall receive a diploma, which, when signed by the president of the institution, state superintendent of public instruction, and the board of directors of said school, shall be evidence that the person to whom such diploma is granted is a graduate of the state normal school, and entitled to all the honors and privileges belonging to such graduates; and such diploma shall serve as a legal certificate of qualification to teach in the common schools of this state. (Laws 1864, ch. 99, sec. 13.)

⁶² The indorsement of a first-grade certificate by a county superintendent in a county other than the one in which it was issued makes it a legal certificate in the county where indorsed until it expires by limit of date. A specified limitation accompanying the indorsement is of no effect.

ARTICLE XII.

PUBLIC SCHOOLS IN CITIES OF THE FIRST CLASS.

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| <p>§195. Cities of the first class defined.</p> <p>196. Board of education, how constituted and elected.</p> <p>197. Vacancy in board, how filled.</p> <p>198. Officers, rules, and regulations.</p> <p>199. Powers and duties of board of education.</p> <p>200. Board shall organize, when and how; elect clerk, superintendent; fiscal year; annual report.</p> <p>201. Duty of president.</p> <p>202. Duty of vice-president.</p> <p>203. Duty of clerk; duty and salary of superintendent.</p> <p>204. Clerk shall execute bond; oath of office.</p> <p>205. Treasurer, duty of.</p> <p>206. Board not to receive pay.</p> <p>207. Examining committee, how appointed; duties; who may be elected as teacher.</p> <p>208. Vacancy in committee, how filled.</p> <p>209. Annual levy of taxes.</p> <p>210. All school taxes shall be paid in money.</p> <p>211. The whole city shall compose a school district.</p> <p>212. All city school property shall be vested in the board.</p> <p>213. Sale or conveyance of school property.</p> <p>214. Meetings of the board, when held.</p> | <p>§215. Annual report of the board shall be published, when and how.</p> <p>216. Restriction regarding expenditures.</p> <p>217. No sectarian doctrine shall be taught in the city schools.</p> <p>218. City school property exempt from taxation.</p> <p>219. For what purpose the board may issue bonds.</p> <p>220. Duty of mayor.</p> <p>221. Date, rate, maturity, and attest.</p> <p>222. Annual levy for interest and sinking-fund.</p> <p>223. Execution.</p> <p>224. Sinking-fund, how used and employed.</p> <p>225. Interest to be paid, when.</p> <p>226. Payment of interest and principal, how secured.</p> <p>227. The clerk shall register bonds issued by the board.</p> <p>228. Refunding outstanding bonded debt.</p> <p>229. Registration of funding bonds.</p> <p>230. Annual levy of tax to pay interest and principal of funding bonds.</p> <p>231. Penalty for neglecting or refusing to levy bond tax.</p> <p>232. Use of money levied and collected under this act.</p> |
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SECTION 195. *Defined.* [5684.] All cities of more than 15,000 inhabitants shall be governed by the provisions of this act. (Laws 1876, ch. 122, art. 10, sec. 1.)

SEC. 196. *Board of Education.* [Laws 1891, ch. 196, sec. 1.] In each city under this act, having not to exceed four wards, there shall be a board of education, consisting of three members from each ward, who shall be and remain residents of the wards from which they are elected during their term of office, to be elected by the qualified voters of the city at large, one of whom in each ward shall be elected annually, and shall hold his office for the term of three years, and until his successor shall be elected and qualified; and in each city under this act having more than four wards, the board of education shall consist of two members from each ward, who shall be and remain residents of the ward from which they are elected during their term of office, to be elected by the qualified voters of the city at large, one of whom in each ward shall be elected annually,

and shall hold his office for the term of two years, and until his successor is elected and qualified: *Provided*, That in cities having the population of 35,000 inhabitants or over, as shown by the United States census of 1890, that the board of education shall consist of six members, one from each ward, who shall be and remain residents of the ward from which they are elected during their term of office, and each member to be elected by the qualified voters of the city at large, two of whom shall be elected annually, and shall hold their office for the term of three years, and until their successors are duly elected and qualified: *Provided further*, That at the first general election of the city officers after the passage of this act there shall be elected a full board of six members, one for each ward, who shall be divided into three classes of two each. Of the six members elected, the two receiving the highest number of votes cast shall serve for three years; the two receiving the next highest number of votes cast shall serve for two years, and the two receiving the least number of votes cast shall serve for one year: *Provided further*, That those members elected at the first regular election under this act shall qualify in August following their election, and enter upon the duties of their office, and shall continue to serve for one year in connection with the members whose term of office does not expire till August, 1892, after which time there shall be but the six members, as herein provided. In any city of the second class, hereafter organized as a city of the first class, the term of office of any member of the board which would expire prior to the first Monday in August after such organization, is hereby extended to said first Monday in August. The president of the board of education shall certify to the mayor of the city, 15 days preceding each regular city election, the number of persons to be elected from each ward as members of the board of education for a full term, and also to fill unexpired terms. The mayor, when he issues his proclamation for the election of city officers, shall include in it the number of members of the board for a full term, and also to fill unexpired terms.

SEC. 197. *Vacancy in Board.* [5686.] The board of education shall have power to fill any vacancy which may occur in their body: *Provided*, That any vacancy occurring more than 10 days previous to the annual city election, and leaving an unexpired

term of one or more years, shall be filled at the first city election thereafter, and the ballots and returns of election shall be designated as follows: "To fill unexpired term of — years." (Laws 1876, ch. 122, art. 10, sec. 3.)

SEC. 198. *Officers, Rules, and Regulations.* [5687.] The board of education shall have power to select their own officers; to make their rules and regulations, subject to the provisions of this act; to establish a high school, whenever in their opinion the educational interests of the city demand the same; and to exercise the sole control over the public schools and school property of the city. (Laws 1876, ch. 122, art. 10, sec. 4.)

SEC. 199. *Powers and Duties of the Board of Education.* [5715.] The board of education shall have power to elect their own officers, make all necessary rules for the government of the schools of said city under its charge and control, and of the said board, subject to the provisions of this act and the laws of this state; to organize and maintain separate schools for the education of white and colored children, except in the high school, where no discrimination shall be made on account of color; to exercise the sole control over the public schools and school property of said city; and shall have the power to establish a high school, and maintain the same, in whole or in part, by demanding, collecting and receiving a tuition fee for and from each and every scholar or pupil attending such high school. (Laws 1879, ch. 81, sec. 1.)

SEC. 200. *Organization of Board.* [5716.] The board of education shall, at its first regular meeting in August of each year, organize by the election of a president and vice-president from its members, each of whom shall serve for one year, and until his successor is elected and qualified. They may elect a clerk and a superintendent of public schools, neither of whom shall be a member of said board, and who shall hold their respective offices during the pleasure of the board. The board shall have the right, at any time and at any regular meeting, to hold an election to fill any vacancy which may occur among the officers of the board, or any of its agents, servants, or employees. The fiscal year of such board shall close on the last day of June, and the annual reports of the president, superintendent and of the several committees shall be presented to the board on or before

the first Monday in August in each year. (Laws 1879, ch. 81, sec. 2.)

SEC. 201. *President.* [5689.] It shall be the duty of the president to preside at all meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the city treasurer for school moneys. (Laws 1876, ch. 122, art. 10, sec. 6.)

SEC. 202. *Vice-president.* [5690.] It shall be the duty of the vice-president to perform all the duties of the president, in case of his absence or disability. (Laws 1876, ch. 122, art. 10, sec. 7.)

SEC. 203. *Clerk; Superintendent.* [5691.] It shall be the duty of the clerk to attend all meetings of the board, to keep an accurate journal of its proceedings, to have the care and custody of the records and papers of the board, to countersign all warrants drawn upon the treasurer by order of the board, to keep an account of all moneys paid to the treasurer on account of said board, and of all moneys paid or orders drawn on the treasurer by order of said board; and shall, at least once in every three months, prepare and cause to be published in said city a statement, under oath, showing (1) the moneys received by the treasurer since last report, and from what source received; (2) the amount of sinking-fund, and how invested; (3) the moneys paid out, to whom, and for what paid; (4) the balance of general fund in the hands of the treasurer; (5) the number, date and amount of any bond issued by said board, purchased under the authority in this act given, and the amount paid therefor; and shall perform such other duties as the board or its committees may require, and shall receive for his services such compensation as the board shall deem adequate, but not to exceed \$1000 per annum. The superintendent shall have the charge and control of the public schools of the city, subject to the orders, rules, regulations and by-laws of the board, and shall receive for his services such compensation as the board shall deem adequate. (Laws 1876, ch. 122, art. 10, sec. 8.)

SEC. 204. *Bond of Clerk.* [5692.] Before entering upon the discharge of his duties, the clerk of the board of education shall give bond in the sum of \$1000, with good and sufficient securi-

ties, to be approved by the board, and shall take and subscribe an oath or affirmation before a proper officer that he will support the constitution of the United States, the constitution of the state of Kansas, and faithfully perform the duties of his office. (Laws 1876, ch. 122, art. 10, sec. 9.)

SEC. 205. *Treasurer.* [5693.] The treasurer of the city shall be *ex officio* the treasurer of the board of education, and shall give such bond to the board of education as the board may require, said bond to be approved by the board of education and filed with its clerk. It shall be the duty of the treasurer to deposit daily all money belonging to the board of education in some responsible bank, to be designated by the board of education, in the name of such treasurer as such officer, which bank shall pay interest on monthly average balances as may be agreed upon by such bank and the board of education; and before making such deposits the board of education shall take from such bank a good and sufficient bond, in a sum to be designated by the board of education, conditioned that such deposits shall be promptly paid on the check or draft of said treasurer. The treasurer shall attend all of the meetings of the board when required to do so; shall prepare and submit in writing a monthly report of the finances of said board; and shall pay school moneys only upon a warrant signed by the president, or, in his absence, by the vice-president, and countersigned by the clerk. The treasurer shall receive from the board of education \$50 per annum for his services as treasurer, and no more. (Laws 1885, ch. 178, sec. 1.)

SEC. 206. *No Compensation.* [5694.] No member of the board of education shall receive any pay or emolument for his services. (Laws 1876, ch. 122, art. 10, sec. 11.)

SEC. 207. *Examining Committee; Teachers.* [Laws 1899, ch. 178, sec. 1.] The board of education, at such time as they shall deem expedient, shall appoint three competent persons, who shall be styled the examining committee of the board of education, whose duty it shall be to examine all persons who may apply to them as teachers; and no person shall be elected by the board as teacher who cannot produce a certificate from the examining committee, signed by all or a majority of them, and setting forth that such person is competent to teach in such department of the public schools as may be stated in the certifi-

cate and is a person of good moral character: *Provided*, That the board may elect as teacher a suitable person who holds a diploma or certificate from the state board of education or a diploma from the state normal school.

SEC. 208. *Vacancy*. [5696.] The board of education shall have power to fill any vacancy which may occur in the examining committee. (Laws 1876, ch. 122, art. 10, sec. 13.)

SEC. 209. *Annual Levy of Taxes*. [Laws 1899, ch. 252, sec. 1.] That the board of education of cities of the first class shall in the month of August in each year prepare an estimate and levy of the amount of money necessary, first, for the payment of teachers' wages, repairs, incidentals, expenses and maintenance of the schools under its charge for the year commencing on the 1st day of January next thereafter, except in cities of the first class having a population of 30,000 or more, in which such estimate shall be made for the year commencing on the 1st day of July last preceding the month of August in which such levy shall be made; second, for the amount necessary to pay the interest on the bonds accruing during such year; third, for the amount of sinking-funds necessary to be collected during such year for the payment and redemption of such bonds issued by said board; and shall cause to be certified by the president and clerk of said board to the county clerk of the county in which said city is situated the percentage by them levied on the real and personal property of and within said city as returned from the assessment roll of the county, and the said county clerk is hereby authorized and required to place the same on the tax-roll of the county, and the said tax shall be collected by the county treasurer for the city for the sole purpose for which said taxes were levied, subject to the order of said board of education; and all such levies required to be certified to the county clerk shall be certified on or before the 25th day of August annually: *Provided*, That the estimate and tax for teachers' wages, for repairs, incidental expenses and maintenance of such schools shall not exceed in any one year eight mills on the dollar of all taxable property in said city, in cities where the total assessed valuation is greater than \$3,000,000, except that, in cities of the first class having a population of 30,000 or more inhabitants, the board of education shall have power and it is hereby authorized to levy for such purposes

not to exceed 12 mills on the dollar of all taxable property in said city ; and said board of education of said city of the first class having more than 30,000 inhabitants shall have power, and it is hereby authorized to levy, for building purposes, not to exceed three mills on the dollar of all taxable property in said city in addition to said 12 mills ; and where the assessed valuation is less than \$3,000,000, the estimate tax for teachers' wages, repairs and incidental expenses and the maintenance of such school shall not exceed in any one year 10 mills on the dollar of all taxable property in said city : *Provided further*, That said schools shall not be kept open more than nine months in any one year, and that the sum paid for teachers' wages, repairs, incidental expenses and maintenance in any one school year shall not exceed the total estimate and levy made for that purpose as herein directed, and that the funds raised as herein provided shall not be used or appropriated for any other purpose than that certain purpose as herein provided ; and that said school board shall not create any obligations not provided for as herein directed ; nor shall any bonds of any school district be issued or other obligation be given for the purpose of funding any indebtedness growing out of the support or repairs for which the board is herein required to make provision ; and any member of the school board who shall be a party to creating any indebtedness for the payment of teachers' wages, repairs, incidental expenses and the maintenance for one school year beyond the amount provided in the annual levy, or who shall issue or cause to be issued bonds or other obligation of any district for the funding of any such indebtedness, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by removal from office, and by a fine of not less than \$100 nor more than \$500, and shall be personally liable for damages in any action which it shall be the duty of the city attorney of such city of the first class to prosecute, brought in the name of such school district, for the amount of such deficiency of indebtedness so created, which money when so collected shall be used to liquidate such deficiency or indebtedness : *Provided further*, That any vacancy created in any school board of any city of the first class under the operation of this section may be filled until the next election thereafter by appointment by the mayor of such city, subject to the confirmation by the city council as other appointments by the mayor are confirmed.

SEC. 210. *Taxes.* [5698.] All taxes collected for the benefit of the public schools shall be paid in money, and shall be placed in the hands of the city treasurer, subject to the order of the board of education. (Laws 1876, ch. 122, art. 10, sec. 15.)

SEC. 211. *District.* [5699.] The whole city shall compose a school district for all purposes of taxation, but may be subdivided by the board of education into as many districts as they may think proper. (Laws 1876, ch. 122, art. 10, sec. 16.)

SEC. 212. *Property.* [5700.] The title of all property held for the use or benefit of the public schools shall be vested in the board of education, and held by them in trust for the city; and the board of education may sue in its own name for all money due or to become due to the board or the school fund, and for any trespass upon, injury to or concession of any of the school property of said city, for the benefit of the school fund of such city. (Laws 1876, ch. 122, art. 10, sec. 17.)

SEC. 213. *Sale of Property.* [5701.] No school property of any kind shall be sold or conveyed by the board of education, except at a regular meeting of the same, and not then without an affirmative recorded vote of at least two-thirds of all the members of said board. (Laws 1876, ch. 122, art. 10, sec. 18.)

SEC. 214. *Meetings of the Board.* [5702.] The regular meetings of the board of education shall be upon the first Monday in each month, but special meetings may be held from time to time, as circumstances may demand. (Laws 1876, ch. 122, art. 10, sec. 19.)

SEC. 215. *Annual Report.* [5703.] The board of education, at the close of each school year, or as soon thereafter as practicable, shall make an annual report of the progress, prosperity, and condition, financial as well as educational, of all the schools under their charge; and said report, or such portion of it as the board of education shall consider of advantage to the public, shall be printed either in a public newspaper or in pamphlet form. (Laws 1876, ch. 122, art. 10, sec. 20.)

SEC. 216. *Expenditures.* [5704.] No expenditure involving an amount greater than \$200 shall be voted, except in accordance with the provisions of a written contract. (Laws 1876, ch. 122, art. 10, sec. 21.)

SEC. 217. *Sectarian Doctrine.* [5705.] No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of the city; but nothing in this section shall be construed to prohibit the reading of the holy scriptures. (Laws 1876, ch. 122, art. 10, sec. 22.)

SEC. 218. *Exemptions.* [5706.] All property held by the board of education for the use of public schools shall be exempt from taxation, and shall not be taken in any manner for any debt due from the city. (Laws 1876, ch. 122, art. 10, sec. 23.)

SEC. 219. *Bonds.* [Laws 1891, ch. 196, sec. 3.] Whenever it shall be necessary to raise funds to purchase a school site or sites, to furnish, to repair, to make additions, or to build a school building, it shall be the duty of the board to prepare an estimate of the costs of such site or sites, repairs, additions, or buildings, together with the cost of furnishing the same, with estimates, shall be spread upon the records of the board, when adopted by a recorded yea-and-nay vote of two-thirds of all the members of the board at a regular meeting; and in every case the board shall complete said repairs, additions, or buildings, together with the furnishing of the same and the purchase of such site or sites, within the estimated costs thereof; and in no case shall any board create a deficiency or outstanding obligations in the purchase of such site or sites, the making of such repairs, or the erection of additions or buildings. And every member of a school board who shall be a party to creating a deficiency or outstanding obligations within the meaning of this section shall be deemed to be guilty of a misdemeanor, and shall on conviction be punished by removal from office and a fine of not less than \$100, and shall be personally liable for damages in any action, which it shall be the duty of the city attorney of such city of the first class to prosecute, brought in the name of such school district, for the amount of such deficiency or outstanding obligations, which money when so collected shall be used to liquidate such deficiency or outstanding obligations: *Provided*, That any vacancy created in any school board under the operation of this section shall be filled as provided in section 2 of this act.⁶³

SEC. 220. *Duty of Mayor.* [Laws 1891, ch. 196, sec. 4.] It shall be the duty of the mayor of such city, within thirty days

after receiving a certified copy of the action of the board of education, showing a necessity and giving a statement of the estimated cost of such school sites, repairs, additions, building or buildings, signed by the clerk and countersigned by the president of the board, to issue a proclamation for holding an election to vote bonds to the amount prayed for by the board; and no bonds shall be issued unless a majority of the qualified electors of the city school district voting at such election shall vote therefor; nor shall the entire amount of such school bonds issued exceed, in the aggregate, including existing indebtedness, 5 per centum of the value of the taxable property of such city, as ascertained by the last assessment for state and county purposes previous to incurring the proposed indebtedness. Any member of a board of education, or officer thereof, who shall vote for, counsel, consent to, or in anywise assist in the issue of any bond or bonds in excess of the per centum herein authorized shall be liable jointly and severally to the holder of any such bonds for the amount due thereon, to be recovered in a civil action in any court of competent jurisdiction, and judgment rendered thereon may be collected and enforced in the same manner as other judgments are collected and enforced.

SEC. 221. *Date, Rate, Time, and Attest.* [Laws 1891, ch. 196, sec. 5.] The bonds, the issuance of which is provided for in this act, may, at the option of the board, be instalment bonds. All bonds shall be dated on the day they are issued, shall bear interest at a rate not exceeding 6 per centum per annum, payable semiannually on January 1 and July 1, and shall be payable in not more than 30 years. They shall be signed by the president and secretary, attested with the seal of the board. The coupons, if any be attached, shall be signed by the president of the board, and each bond so issued shall not be for a sum less than \$50.

SEC. 222. *Levy for Interest and Sinking-fund.* [Laws 1891, ch. 196, sec. 6.] The board of education in its annual estimate, as provided for in section 2 of this act,⁶⁴ shall include an amount sufficient to pay the interest as it accrues on all outstanding bonds issued by the board, and also to create a sinking-fund for the redemption of said bonds, and shall levy and cause the same

64 Section 219 of this book.

to be collected as provided for in said section, in addition to the levy authorized by said section for school purposes; and such money shall remain a specific fund for said purposes only, and shall not be appropriated to any other purpose.

SEC. 223. *Execution.* [5708.] The bonds, the issuance of which is provided for in the preceding section [219], shall be signed by the president and clerk of the board of education, and countersigned by the treasurer; and said bonds shall specify the rate of interest, and the time when principal and interest shall be paid; and each bond so issued shall not be for a less sum than \$50. (Laws 1876, ch. 122, art. 10, sec. 25.)

SEC. 224. *Use of Sinking-fund.* [5710.] The moneys levied and collected for creating a sinking-fund for the redemption of the principal of the bonds issued by the board of education shall be used and employed or invested as follows: (1) After retaining an amount sufficient to pay the principal of any bonds maturing during the year, the board shall, with the surplus of such sinking-fund, when the same shall be \$1000 or more, purchase any of the outstanding bonds issued by the board. Such purchase shall be made at the lowest price such bonds can be purchased at, but at not more than par value of such bonds; and whenever there shall be a surplus of such sinking-fund amounting to the sum of \$1000, the board shall purchase therewith like bonds, on the same terms and conditions hereinbefore specified. (2) If for any reason such bonds cannot be purchased as hereinbefore specified, such sinking-fund shall be invested by the treasurer, under the direction of the board of education, at such times as the board shall direct, in the interest-bearing bonds of the United States or the state of Kansas, which shall be purchased at the lowest market price. Interest accruing upon such bonds shall be invested in the same manner and for the same purpose as sinking-fund. Such bonds shall be held by the treasurer until the principal of the bonds issued by the board of education shall become due, and shall then be sold at the highest market price, and the proceeds applied to the payment of the bonds: *Provided*, That if at any time the board shall deem it best, it shall be lawful for such board to sell such bonds for the purpose of purchasing of the bonds issued by such board; but all such sales shall be at the highest market price, and the bonds of the board purchased with the proceeds of such sale

shall be purchased at the lowest price they can be obtained for, and not above the par value of such bonds: *Provided*, That no bond issued by the board of education shall be purchased by said board that has not been outstanding five years: *And provided further*, That the bonds first maturing shall be first purchased, if they can be purchased on terms as favorable to the board as any others offered for sale to the said board. All bonds of the said board purchased under the authority hereby given, or paid by the board, shall be forthwith canceled and destroyed, and the clerk shall enter on the bond register of the said board, on the margin of the record of the said bonds, the date when the same were purchased and the price paid; and thereafter no interest or sinking-fund shall be levied or collected for or on account of said bonds so canceled. Such sinking-fund shall never be used nor appropriated in any other manner whatever. (Laws 1876, ch. 122, art. 10, sec. 27.)

SEC. 225. *Interest*. [5711.] Whenever the interest of the above-mentioned bonds shall become due, the same shall be paid by the treasurer. (Laws 1876, ch. 122, art. 10, sec. 28.)

SEC. 226. *Security*. [5712.] The credit of the school fund of the city is hereby pledged to the payment of the interest and principal of the bonds mentioned in this article, as the same may become due. (Laws 1876, ch. 122, art. 10, sec. 29.)

SEC. 227. *Bond Registry*. [5713.] It shall be the duty of the board of education to register, in a book provided for that purpose, the bonds issued under this act, which said registry shall show the number, date and amount, and to whom is made payable, each of said bonds. (Laws 1876, ch. 122, art. 10, sec. 30.)

SEC. 228. *Refunding of Outstanding Bonded Debt*. [5717.] The board of education of any city of the first class is hereby authorized and empowered to refund any and all outstanding bonds heretofore issued by or by order of the said board, by issuing new bonds to the holders of such outstanding bonds: *Provided*, That such new bonds shall not be for a greater amount than the par value of the bonds refunded. Such refunding bonds shall severally be in such amount as said board shall direct, and shall state for what purpose issued, and be payable to the person to whom issued, or bearer, within 30 years after date, in instalments as hereinafter provided, and shall bear interest at the rate

not exceeding 6 per cent. per annum, payable semiannually on January 1 and July 1. That there shall be attached to each of said bonds 60 coupons, numbered from 1 to 60, and each of the first 10 shall be for the amount of the semiannual interest upon such bond. That said coupons numbered from 11 to 30, both inclusive, shall be for the amount of six months' interest upon the principal of such bond unpaid, after deducting all instalments of principal paid or provided for by prior maturing coupons, and $1\frac{7}{10}$ per cent. of the principal sum mentioned in such bond; and the last 30 of such coupons shall each be for six months' interest upon the principal of said bond unpaid, after deducting all instalments of principal paid or provided for by prior maturing coupons, and one-thirtieth of the principal of said bonds which shall remain unpaid at the end of 15 years from the date of such bond or unprovided for by prior maturing coupons; and when the said coupons shall be fully paid the said bonds shall be of no further force or effect: *Provided*, That no bond or bonds hereby authorized shall be delivered until the bond or bonds to be surrendered therefor shall be surrendered and delivered to the said board. All bonds refunded under the provisions of this act shall be noted as surrendered and canceled on the registry of the said board, and the same shall be destroyed in the presence of said board. (Laws 1879, ch. 81, sec. 3.)

SEC. 229. *Bonds Registered.* [5718.] The bonds hereby authorized shall be numbered, and shall be registered in the book kept by said board for the registry of its bonds; and said bonds shall be signed by the president and clerk of said board, attested with the seal of said board by the clerk, and countersigned by the treasurer of said city. (Laws 1879, ch. 81, sec. 4.)

SEC. 230. *Levy of Bond Tax.* [5719.] The board of education, and any and all boards, body, or officers, by law authorized to levy and collect taxes in and for said city for the support of schools therein, shall, at the same time and in the same manner as the other taxes for school purposes are levied and collected, and in each and every year until said bonds and interest are fully paid, as hereinbefore provided, levy or cause to be levied upon all the property within the said city subject to taxation for school purposes a tax or taxes sufficient in amount to pay and discharge two of the coupons of each of the bonds

issued under the provisions of this act, and then outstanding, and cause the same to be collected in the same manner as other school taxes are collected, and with the money so collected pay and discharge the coupons for which said tax or taxes were levied. And it shall be the duty of the clerk of the said board to forthwith, on the payment of any such coupons, to note their payment upon the registry of said bonds, and present the same to the board, and in their presence cancel the same in such manner as the board shall direct; and said coupons shall be carefully preserved until the final payment of said bonds, and then destroyed; and the possession of such coupons by the board shall be conclusive evidence of their payment. And the said board shall issue no bonds hereafter, except the refunding bonds provided for by this act. (Laws 1879, ch. 81, sec. 5.)

SEC. 231. *Penalty.* [5720.] If said board of education, or other board, body, or officer, whose duty it shall be to levy taxes for the payment of the coupons of the said bonds, as herein provided, shall neglect or refuse to levy the tax or taxes for the payment of the coupons as by this act required, each member of such board or body, and each officer, who shall vote against or otherwise oppose the levy and collection of such tax or taxes, or shall do any act to prevent or delay such levy and collection, shall be liable, jointly and severally, to each and every holder of such bond, or coupons of said bonds, which would have been payable from such taxes if the same had been levied, for the whole amount unpaid on such coupons; and the same may be recovered in a civil action in any court of competent jurisdiction, and judgment rendered thereon may be collected and enforced in the same manner as other judgments are collected and enforced; and any such officer so neglecting or refusing to levy such tax shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in an amount equal to the amount which it may be shown should have been so levied during such year, or imprisoned in the county jail for a term not less than three nor more than 12 months. (Laws 1879, ch. 81, sec. 6.)

SEC. 232. *Use of Money Levied and Collected under this Act.* [5721.] Moneys levied and collected and received under and pursuant to this act shall not be used or employed for any other purpose than the payment of coupons of the bonds by this act

authorized ; and any member of said board, or officer, who shall cause such money so collected to be used for any other purpose, temporary or otherwise, whatever, or counsel or consent to the same being so used, shall be liable jointly and severally to the holder of any such bonds or coupons for any coupons due, to be recovered and collected as in section 6 * hereof specified. (Laws 1879, ch. 81, sec. 7.)

* Section 231 of this book.

ARTICLE XIII.

PUBLIC SCHOOLS IN CITIES OF THE SECOND CLASS.

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| <p>§233. Cities of the second class defined.</p> <p>234. City schools free; who may be excluded.</p> <p>235. Adjacent territory may be attached to city for school purposes; taxation in such cases; members of board.</p> <p>236. Third class changed to second class.</p> <p>237. County superintendents may detach territory.</p> <p>238. Corporate name and style of city schools.</p> <p>239. Cities of the second class to convey property to board.</p> <p>240. Conveyance, how executed.</p> <p>241. Board of education, when and how elected; term of office.</p> <p>242. Vacancy, how filled.</p> <p>243. Powers of the board.</p> <p>244. Board shall organize, when and how.</p> <p>245. Duty of the president.</p> <p>246. Duty of the vice-president.</p> <p>247. Duty of the clerk.</p> <p>248. Clerk shall give bond.</p> <p>249. Duty of the treasurer.</p> <p>250. Superintendent of city schools; his duties, term of office, and salary; examining board, how constituted; teachers may be elected, how.</p> | <p>§251. Annual school tax not to exceed 15 mills.</p> <p>252. Taxable property subject to school tax.</p> <p>253. Meetings of board, when held.</p> <p>254. Annual report of board shall be published, when.</p> <p>255. Restrictions regarding expenditures and contracts.</p> <p>256. No sectarian doctrines shall be taught in the city schools.</p> <p>257. For what purpose the board may issue bonds; restrictions regarding interest; maturity and sale of bonds; proviso.</p> <p>258. How bond elections shall be conducted.</p> <p>259. Execution of bonds; signed by whom; specifications; amount.</p> <p>260. Annual levy for interest and sinking-fund.</p> <p>261. Investment of sinking-fund.</p> <p>262. Paid coupons, how indorsed.</p> <p>263. Payment of principal and interest, how secured.</p> <p>264. Bonds issued by the board to be registered by the clerk.</p> <p>265. Oaths and bonds of the officers, etc.</p> <p>266. Treasurer of the board of education elected each odd year.</p> |
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SECTION 233. *Defined.* [5723.] All cities now organized and acting as cities of the second class, by virtue of the authority of former acts, and all cities hereafter attaining a population over 2000 and not exceeding 15,000 inhabitants, shall be governed by the provisions of this act; and whenever any city shall have hereafter attained a population exceeding 2000 inhabitants, and such fact shall have been duly ascertained and certified by the proper authorities of such city to the governor, he shall declare, by public proclamation, such city subject to the provisions of this act. The mayor and council of such city shall, at the time of making the certificate herein provided for, make out and transmit to the governor an accurate description by metes and bounds of all the lands included within the limits of such city, and the additions thereto, if any. (Laws 1876, ch. 122, art. 11, sec. 1.)

SEC. 234. *Free Schools.* [5724.] In each city governed by this act there shall be established and maintained a system of free common schools, which shall be kept open not less than

three nor more than 10 months in any one year, and shall be free to all children residing in such city between the ages of five and 21 years. But the board of education may, where school-room accommodations are insufficient, exclude for the time being children between the ages of five and seven years. (Laws 1876, ch. 122, art. 11, sec. 2.)

SEC. 235. *Adjacent Territory.* [Laws 1891, ch. 183, sec. 1.] Territory outside the city limits, but adjacent thereto, may be attached to such city for school purposes, upon application to the board of education of such city by a majority of the electors of such adjacent territory; and upon such application being made to the board of education, they shall, if they deem it proper and to the best interest of the schools of said city and territory seeking to be attached, issue an order attaching such territory to such city for school purposes, and to enter the same upon their journal; and such territory shall, from the date of such order, be and compose a part of such city for school purposes only; and the taxable property of such adjacent territory shall be subject to taxation, and shall bear its full proportion of all expenses incurred in the erection of school buildings and in maintaining the schools of the city. Whenever the territory so attached shall have attained a population equal to one-half that of any one ward of such city, or whenever the taxable property of such attached territory shall equal to one-half⁶⁵ that of any one ward of such city, such attached territory shall be entitled to elect one member of the board of education, who shall be elected at the same time that other members of the board are elected, by the qualified electors of such territory, at an election to be held at such place as the board of education may designate. But until such attached territory shall be declared to have attained a population or taxable property equal to any one ward of such city, such territory shall be attached to the several wards of such city contiguous thereto, as shall be determined by the board of education of any such city, and when so attached shall remain parts of such wards for school purposes only. And persons residing upon such attached territory, possessing the qualifications of electors as provided in section 5585 of the General Statutes of 1889,

⁶⁵ Attached territory must have attained a population or taxable property equal to *one* ward of the city before it is entitled to a member of the school board.

shall be qualified to vote at any election held in any such city for school purposes only, in any such ward of such city to which such territory shall be attached.

SEC. 236. *Attachment for School Purposes; Taxation; Representation.* [5754.] That whenever any city of the third class shall become a city of the second class, the territory of the school district wherein such city is situated shall be and remain attached to such city for school purposes, unless detached by the county superintendent of public instruction, as provided in section 12 of chapter 152 of the Laws of 1881. All the property in such territory shall be subject to like taxation for school purposes as the property in said city. Whenever the population or taxable property of such territory outside of the limits of such city shall equal the population or taxable property of any ward of such city, such territory shall be entitled to elect two members of the board of education of such city, which said members shall be elected at the same time and in like manner as other members of such board. (Laws 1887, ch. 218, sec. 1.)

SEC. 237. *County Superintendents May Detach Territory.* [Laws 1891, ch. 88, sec. 1.] That the county superintendents of public instruction of the several counties of the state of Kansas are hereby authorized and empowered to detach territory from the school territory of cities of the second class, if said territory sought to be detached is outside the corporate limits of said city of the second class, notwithstanding the fact that said territory forming said school district may have been formed into a school district while said city of the second class was a city of the third class: *Provided*, The interests of the public schools of the county may warrant such action: *Provided*, That no territory shall be detached unless a majority of the citizens living in such territory shall consent in writing to the same.

SEC. 238. *Body Corporate.* [5726.] The public schools of each city organized in pursuance of this act shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "The board of education of the city of —, of the state of Kansas"; and in that name may sue or be sued, and be capable of contracting and being contracted with, of holding and conveying such real and personal estate as it may come into possession of, by will or

otherwise, or as is authorized to be purchased by the provisions of this act. (Laws 1876, ch. 122, art. 11, sec. 4.)

SEC. 239. *Conveyance of Property.* [5727.] Any city of the second class is hereby authorized and required, upon the request of the board of education of such city, to convey to said board of education all property within the limits of any such city heretofore purchased by any such city for school purposes, and now held and used for such purposes, the title to which is vested in any such city. (Laws 1876, ch. 122, art. 11, sec. 5.)

SEC. 240. *How Executed.* [5728.] All conveyances for the property mentioned in the preceding section [239] shall be signed by the mayor and attested by the clerk of said city, and shall have the seal of the city affixed thereto, and be acknowledged by the mayor of such city in the same manner as other conveyances of real estate. (Laws 1876, ch. 122, art. 11, sec. 6.)

SEC. 241. *Board of Education.* [5729.] At each annual city election there shall be a board of education, consisting of two members from each ward, elected by the qualified voters thereof, one of whom shall be elected annually, and shall hold his office for a term of two years, and until his successor is elected and qualified: *Provided*, That no member of the board of education shall be a member of the council, nor shall any member of the council be a member of the board of education. (Laws 1876, ch. 122, art. 11, sec. 7.)

SEC. 242. *Vacancy.* [5730.] The board of education shall have power to fill any vacancy which may occur in their body: *Provided*, That any vacancy occurring more than 10 days previous to the annual election, and having an unexpired term of one year, shall be filled at the first annual election thereafter; and the ballots and returns of election shall be designated as follows: "To fill unexpired term." (Laws 1876, ch. 122, art. 11, sec. 8.)

SEC. 243. *Powers.* [5731.] The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever in their opinion the educational interests of the city demand; and to exercise the sole control over the schools and school property of the city;

and maintain such high school, in whole or in part, by demanding, collecting and receiving a tuition fee for and from each and every scholar or pupil attending such high school. (Laws 1889, ch. 224, sec. 1.)

SEC. 244. *Organization.* [5732.] The board of education, at its regular meeting in May of each year, shall organize by the election of a president and vice-president from among its own members, each of whom shall serve for the term of one year, or until their successors are elected and qualified; they shall also elect a clerk, who shall hold his office during the pleasure of the board, and who shall receive such compensation for his services as the board may allow. (Laws 1876, ch. 122, art. 11, sec. 10.)

SEC. 245. *President.* [5733.] It shall be the duty of the president to preside at all the meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys. (Laws 1876, ch. 122, art. 11, sec. 11.)

SEC. 246. *Vice-president.* [5734.] It shall be the duty of the vice-president to perform all the duties of the president in case of his absence or disability. (Laws 1876, ch. 122, art. 11, sec. 12.)

SEC. 247. *Clerk.* [5735.] It shall be the duty of the clerk to be present at all meetings of the board; to keep an accurate journal of its proceedings; to take charge of its books and documents; to countersign all warrants for school moneys drawn upon the treasurer by order of the board of education, and perform such other duties as the board of education or its committees may require. (Laws 1876, ch. 122, art. 11, sec. 13.)

SEC. 248. *Bond of Clerk.* [5736.] Before entering upon the discharge of his duties, the clerk of the board of education shall give bond in the sum of \$1000, with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of the duties of his office. (Laws 1876, ch. 122, art. 11, sec. 14.)

SEC. 249. *Treasurer.* [5737.] The treasurer shall prepare and submit in writing a monthly report of the state of the finances of the district; and shall, when required, produce at any meeting of the board, or any committee appointed for the

purpose of examining his accounts, all books and papers pertaining to his office; he shall pay moneys only upon a warrant signed by the president, or in his absence by the vice-president, and countersigned by the clerk; and shall execute a bond in such sum as the board may require, with sufficient sureties, to be approved by the board, conditioned for the faithful discharge of his duties of treasurer to such board. (Laws 1876, ch .122, art. 11, sec. 15.)

SEC. 250. *Superintendent; Examining Committee; Teachers.* [Laws 1899, ch. 178, sec. 2.] The board of education, at such times as they shall deem expedient, shall elect a superintendent of schools, in no case a member of their own body, whose duty it shall be to have a general supervision of the schools of the city, subject to the rules and regulations of the board, who shall hold his office during the pleasure of the board, and shall receive such compensation as that body may allow. The board shall also appoint two competent persons, who, with the superintendent as chairman thereof, shall be styled the examining committee of the board of education, whose duty it shall be to examine all persons who may apply to them as teachers; and no person, except one who holds a diploma or a certificate from the state board of education, or a diploma from the state normal school, shall be elected by the board as teacher who cannot produce a certificate from the examining committee, signed by all or a majority of them, and setting forth that such a person is competent to teach in such department of the public schools as may be stated in the certificate and is a person of good moral character; and the board may fill any vacancy which may occur in the examining committee.⁶⁶

SEC. 251. *Annual School Tax.* [5739.] That the board of education shall, on or before the 15th day of August of each year, levy a tax for the support of the schools of the city for the

⁶⁶ *Qualifications of Teachers in Cities of the First and Second Class.* The school law authorizes the board of education in a city of the first or second class to examine teachers as to their qualification to teach in any given department of the public schools of such city. After said examination, the certificate given to such person, containing a statement of qualification to teach in the department or departments for which examined and evidence also of good moral character, is a valid certificate, and the board may employ such person from year to year without further examination, or may require such person to pass examination and obtain a certificate, at their discretion. Cities of the first and second class must recognize certificates and diplomas issued by the state board of education.

fiscal year next ensuing, not exceeding in any one year 15 mills on the dollar on all personal, mixed and real property within the district which is taxable according to the laws of the state of Kansas, which levy shall be approved by the city council; and when so approved the clerk of the board shall certify to the county clerk, who is hereby authorized and required to place the same on the tax-roll of said county, to be collected by the treasurer of the county as are other taxes, and paid over by him to the treasurer of the board of education, of whom he shall take a receipt in duplicate, one of which he shall file in his office and the other he shall forthwith transmit to the clerk of the board of education. (Laws 1886, ch. 149, sec. 1.)

SEC. 252. *Taxable Property.* [5740.] The taxable property of the whole city, including the territory attached for school purposes, shall be subject to taxation. All taxes collected for the benefit of the schools shall be paid in money, and shall be placed in the hands of the treasurer, subject to the order of the board of education. (Laws 1876, ch. 122, art. 11, sec. 19.)

SEC. 253. *Meetings of the Board.* [5741.] The regular meetings of the board of education shall be upon the first Monday of each month, but special meetings may be held from time to time, as circumstances may demand. (Laws 1876, ch. 122, art. 11, sec. 20.)

SEC. 254. *Annual Report.* [5742.] The board of education, at the close of each school year or as soon thereafter as practicable, shall make an annual report of the progress, prosperity, and condition, financial as well as educational, of all the schools under their charge; and said report, or such portion of it as the board of education shall consider of advantage to the public, shall be printed either in a public newspaper or in pamphlet form. (Laws 1876, ch. 122, art. 11, sec. 21.)

SEC. 255. *Expenditures; Contracts.* [5743.] No expenditures involving an amount greater than \$200 shall be made except in accordance with the provisions of a written contract, and no contract involving an expenditure of more than \$500 for the purpose of erecting any public buildings or making any improvements shall be made except upon sealed proposals, and to the lowest responsible bidder. (Laws 1876, ch. 122, art. 11, sec. 22.)

SEC. 256. *Sectarian Doctrine.* [5744.] No sectarian doctrine shall be taught or inculcated in any of the public schools of the city; but the holy scriptures, without note or comment, may be used therein. (Laws 1876, ch. 122, art. 11, sec. 23.)

SEC. 257. *Bonds.* [5745.] Whenever it shall become necessary, by the board of education, in order to raise sufficient funds for the purchase of a school site or sites, or to erect a suitable building or buildings thereon, or to fund any bonded indebtedness, it shall be lawful for the board of education of every city coming under the provisions of this act to borrow money, for which they are hereby authorized and empowered to issue bonds, bearing a rate of interest not exceeding 10 per cent. per annum, payable annually or semiannually, at such place as may be mentioned upon the face of said bonds, which bonds shall be payable in not more than 20 years from their date; and the board of education is hereby authorized and empowered to sell such bonds at not less than 90 cents on the dollar: *Provided*, That no bonds shall be issued until the question shall be submitted to the people, and a majority of the qualified electors who shall vote on the question at an election called for that purpose shall have declared by their votes in favor of issuing such bonds. (Laws 1876, ch. 122, art. 11, sec. 24.)

SEC. 258. *Bond Election.* [5746.] It shall be the duty of the mayor of each city governed by this act, upon the request of the board of education, forthwith to call an election, to be conducted in all respects as are the elections for city officers in the same cities, except that the returns shall be made to the board of education, for the purpose of taking the sense of such district upon the question of issuing such bonds, naming in the proclamation of such election the amount of bonds asked for, and the purpose for which they are to be issued. (Laws 1876, ch. 122, art. 11, sec. 25.)

SEC. 259. *Execution of Bonds.* [5747.] The bonds, the issuance of which is provided for in the foregoing section [258], shall be signed by the president, attested by the clerk and countersigned by the treasurer of the board of education; and said bonds shall specify the rate of interest and the time when principal and interest shall be paid, and each bond so issued shall be for a sum not less than \$50. (Laws 1876, ch. 122, art. 11, sec. 26.)

SEC. 260. *Levy for Interest and Sinking-funds.* [5748.] The board of education, at the time of its annual levy of taxes for the support of schools as hereinbefore provided, shall also levy a sufficient amount to pay the interest as the same accrues on all bonds issued under the provisions of this article, and also to create a sinking-fund for the redemption of said bonds, which it shall levy and collect, in addition to the rate per cent. authorized by the provisions aforesaid for school purposes; and said amount of funds, when paid into the treasury, shall be and remain a specific fund for said purpose only, and shall not be appropriated in any other way except as hereinafter provided. (Laws 1876, ch. 122, art. 11, sec. 27.)

SEC. 261. *Use of Sinking-fund.* [5749.] All moneys raised for the purpose of creating a sinking-fund for the final redemption of all bonds issued under this article shall be invested annually by the board of education in the bonds of the state of Kansas, or of the United States, or the board may buy and cancel the bonds of the district whenever such may be purchased at or below par. (Laws 1876, ch. 122, art. 11, sec. 28.)

SEC. 262. *Interest.* [5750.] Whenever the interest coupons of the bonds hereinbefore authorized shall become due, they shall be promptly paid, on presentation, by the treasurer, out of money in his hands collected for that purpose; and he shall indorse upon the face of such coupons in red ink the word "Paid," and the date of payment, and sign the initials of his name. (Laws 1876, ch. 122, art. 11, sec. 29.)

SEC. 263. *Security.* [5751.] The school fund and property of such city and territory attached for school purposes are hereby pledged to the payment of the interest and principal of the bonds mentioned in this article, as the same may become due. (Laws 1876, ch. 122, art. 11, sec. 30.)

SEC. 264. *Bond Registry.* [5752.] It shall be the duty of the clerk of the board of education to register in a book provided for that purpose the bonds issued under this article, and all warrants issued by the board, which said register shall show the number, date and amount of said bonds, and to whom made payable. (Laws 1876, ch. 122, art. 11, sec. 31.)

SEC. 265. *Oath of Office.* [5753.] Each member of the board of education and officer provided for in this article shall take and subscribe an oath or affirmation to support the constitution of the United States, the constitution of the state of Kan-

sas, and faithfully perform the duties of his office. The oath and bond of the clerk shall be filed with the treasurer. All other oaths and bonds shall be filed with the clerk. (Laws 1876, ch. 122, art. 11, sec. 32.)

SEC. 266. *Treasurer of the Board.* [769.] There shall be elected, on the first Tuesday of April of each odd-numbered year, a mayor, police judge, city treasurer, and treasurer of the board of education, together with councilmen, members of the board of education, justices of the peace and constables as herein provided. The mayor shall appoint, by and with the consent of the council, a city marshal, a city clerk, a city attorney, and city assessor, and may appoint an assistant marshal, city engineer, street commissioner, and such policemen and other officers as they may deem necessary. The officers so appointed and confirmed shall hold their offices for the term of one year, and until their successors are appointed and qualified; the council shall by ordinance specify their duties and compensation, and by ordinance abolish any office created by them whenever they may deem it expedient. The mayor, councilmen, members of the board of education, justices of the peace, constables, city treasurer, police judge and treasurer of the board of education shall hold their offices for the term of two years, and all other officers for the term of one year: *Provided*, At the first annual election after the organization of any city there shall be two councilmen and two members of the board of education elected from each ward, one of whom shall serve for one year and one for two years, and one councilman and one member of the board of education shall be elected from each ward at each annual election thereafter: *Provided*, That no member of the board of education shall be a member of the council, nor shall any member of the council be a member of the board of education, and no person shall hold the office of police judge and justice of the peace at the same time: *And provided further*, That in cities having a population of over 10,000 inhabitants the board of education shall consist of six members only. There shall be elected in such cities, on the first Tuesday of April, 1885, six members of the board of education, two of whom shall serve for one year, two for two years, and two for three years, and at the annual election every year thereafter two members of the board of education shall be elected for the term of three years. (Laws 1885, ch. 99, sec. 3.)



ARTICLE XIV.

PUBLIC SCHOOLS IN CITIES OF THE THIRD CLASS.

§267. Cities of the third class defined; govern-
ment of public schools.

§268. Shall not be detached from school dis-
tricts, etc.

SECTION 267. *Defined.* [5755.] Public schools in incorporated cities which have not less than 250 and not over 2000 inhabitants, if not otherwise provided for by law, shall be governed by the provisions of this act which apply to the organization and maintenance of district schools or of union or graded schools.⁶⁷ (Laws 1876, ch. 122, art. 12, sec. 1.)

SEC. 268. *Area.* [5756.] That no portion of the corporation of a city of the third class shall be detached from the school district in which the city is located, and the whole of such corporation shall be and remain in one school district for the purpose of schools and taxation. (Laws 1876, ch. 122, art. 12, sec. 2.)

67 In providing for union or graded schools, although the law states that single districts may take advantage of the provisions of the act, it is evident that the law contemplates only the organization of a school or schools for instruction in the higher branches, and therefore could not apply to a system of schools in a city of the third class, in which are found primary and intermediate grades as well. It is held, therefore, that cities of the third class must elect their boards of education at the time of the annual meeting legally fixed for the last Thursday in July.

ARTICLE XV.

SCHOOL-DISTRICT BONDS.

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| <p>§269. Purposes for which district bonds may be issued, and restrictions concerning the same.</p> <p>270. Bond elections; notices of, and how conducted.</p> <p>271. Denominations, rates of interest, and disposal of bonds.</p> <p>272. Bonds must be registered.</p> <p>273. Sinking-fund, how provided and invested.</p> <p>274. Penalty for issuing bonds without authority, and for misappropriation of the proceeds.</p> <p>275. Final disposition of paid bonds and coupons.</p> <p>276. Districts not affected by this act.</p> <p>277. Bonds not issued.</p> | <p>§278. Providing for the sale of certain municipal bonds to the board of state school-fund commissioners.</p> <p>279. Bonds belonging to the state permanent school fund may be paid before maturity.</p> <p>280. Payment of bonds belonging to the state permanent school fund to be made to the state treasurer.</p> <p>281. State treasurer to inform county and city treasurer of bonds belonging to state permanent school fund.</p> <p>282. Remittance of funds to state treasurer.</p> <p>283. Bonds to be canceled by state treasurer.</p> <p>284. Penalty for city and county treasurers refusing to act.</p> |
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SECTION 269. *School-District Bonds.* [5757.] That for the purpose of erecting or purchasing one or more schoolhouses in and for any school district in the state of Kansas, the board of directors of the same shall have power to issue the bonds of the district in an amount not to exceed 6 per cent. of its taxable property, as shown in the last assessment thereof.⁶⁸ And for the purpose of extending the time of payment of the bonded indebtedness of any school district, the board of directors of the same shall have power to issue the bonds of the district in a sum not to exceed in amount its outstanding bonded indebtedness: *Provided*, That no such bonds shall be issued until, at an election called for that purpose, the question shall have been submitted to the qualified electors of the district, and a majority of all the qualified electors in the district shall have declared by their ballots in favor of issuing the same: *And provided further*, That no such election shall be ordered unless a petition, stating the purpose for which the bonds are to be issued and signed by at least one-third of the qualified electors of said district, shall have been presented to the district board, praying that a vote be taken for the issuing of such amount of bonds as may be asked for therein: *And provided further*, That it shall be

⁶⁸ Bonds issued to pay an indebtedness already contracted are illegal. School-district bonds cannot be issued except for the purpose of erecting or purchasing one or more schoolhouses.

unlawful for any school district to create any bonded indebtedness unless there are at least 15 persons between the ages of five and 21 years actually residing within the limits thereof, as shown by a sworn census return, taken by the direction of the board of directors of such school district.⁶⁹ (Laws 1883, ch. 132, sec. 1.)

SEC. 270. *Election.* [5758.] Whenever such a petition, so signed, shall be presented to the board of directors of any school district, praying that a vote be taken on the question of issuing the bonds of the said district, it shall be the duty of the district board immediately to order an election for the purpose of determining the question of the issuing of bonds as prayed for, and forthwith to give notice, by posting up written or printed notices, signed by the clerk, in five of the most public places in the district, which notices shall be posted up at least 10 days before such election,⁷⁰ and shall state therein the object for which the election was called and the manner in which the question shall be voted upon. The said election shall be conducted in all respects as are general elections under the laws of the state, except that females of the age of 21 years shall be entitled to vote at all such elections, subject only to the exceptions applied to males; and the returns of the election shall be the same, except that they shall be made to the district board. (Laws 1879, ch. 49, sec. 2.)

SEC. 271. *Issuance.* [5759.] The bonds herein provided for shall be issued in denominations of not less than \$100 nor more than \$500 each; they shall bear interest at a rate not to exceed 7 per cent. per annum, payable semiannually on the 1st days of

69 *Build Schoolhouse.* School districts having less than 15 children of school age within their limits are, by the terms of the law providing for the issuance of school-district bonds, prohibited and debarred from raising funds for the building or purchase of schoolhouses by the issuance of school-district bonds. Such school districts can provide funds for the building of schoolhouses by issuing school-district warrants, to the extent and within the limitation of section 43, School Laws 1895, but not otherwise. It is within the power of school districts, under said section, to vote a tax annually, not exceeding 2 per cent. on the taxable property in the district, for school purposes, and to distribute such portion of the amount of such tax as the school meeting shall deem proper for the purpose of building, hiring or purchasing a schoolhouse for the district. Beyond this the district cannot go. School warrants for building schoolhouses cannot be issued in excess of this amount authorized by law, upon the expectation that in subsequent years the school district will provide funds for the payment of the same by taxation.

70 Ten days should intervene between the date of posting the election notices and the day of the election, *without counting either of the two dates,*

January and July of each year, at such place as shall be designated in the bonds, the principal of the bonds being made payable within 15 years from their date. These bonds shall specify on their face the date of issue, amount, for what purpose and to whom issued, the time they run, the rate and times of payment of interest, and shall have coupons attached for the interest as it becomes due, said coupons being so arranged that the last one shall fall due at the time of the maturity of the bond. Said bonds and coupons thereto attached shall be signed by the director and countersigned by the clerk, and after registration by the county clerk shall be negotiable and transferable by delivery, and may be disposed of by the district board at not less than 95 cents on the dollar, and the proceeds of the same applied as provided for in the petition at which issuance of the bonds was authorized. (Laws 1879, ch. 49, sec. 3.)

SEC. 272. *Registration.* [5760.] Before delivering any school-district bonds, the board of directors of the district issuing the same shall cause them to be registered with the clerk of the county in which the said district is located. And it shall be the duty of the county clerk, on presentation of any school bonds for registry, to register the same in a book prepared for that purpose, which register shall contain (1) the number of the district; (2) the number of the bond; (3) date of bond; (4) to whom payable; (5) when [where] payable; (6) when due; (7) when interest is due; (8) amount of bond. The county clerk shall furnish one copy of his register to the county treasurer, and forward one copy to the state superintendent, together with a statement showing (1) the number of sections of land in the district issuing such bonds; (2) the number of acres of lands assessed and subject to taxation in said district; (3) the assessed valuation of taxable lands; (4) the assessed valuation of all personal property in such district; which statement shall be signed by each member of the school board issuing the bonds, and the county clerk shall certify under the official seal of his office to the correctness of the statement and the genuineness of the signatures attached thereto. (Laws 1879, ch. 49, sec. 4.)

SEC. 273. *Interest and Sinking-fund.* [5761.] It shall be the duty of the board of county commissioners of each county to levy, annually, upon all the taxable property in each district

in such county, a tax sufficient to pay the interest accruing upon any bonds issued by such district, and to provide a sinking-fund for the final redemption of the bonds, such levy to be made with the annual levy of the county and the taxes collected with the other taxes, and when collected shall be and remain in the hands of the county treasurer, a specific fund for the payment of the interest upon such bonds, and for their final payment at maturity: *Provided*, That moneys in the hands of the county treasurer belonging to the sinking-funds of the several school districts in such county shall be invested by the county treasurer, (1) in the bonds of the district to which said sinking-fund belongs, provided such bonds can be purchased at a price not exceeding their market or par value; (2) in the bonds of other school districts of this state maturing before the bonds for which such fund is raised, provided the same can be purchased at a price not exceeding their market or par value; (3) in the bonds of the state of Kansas, or of the United States. (Laws 1879, ch. 49, sec. 5.)

SEC. 274. *Penalty*. [5762.] If any school-district officer, whose duty it is under the provisions of this act to issue or assist in any manner in the issuance of the bonds of any school district, shall prepare, sign or deliver, or aid, counsel or assist in preparing, signing or delivering, or shall cause to be prepared, signed, or delivered, any bond or bonds of any school district, at any time before such bond or bonds are authorized by this act to be prepared, signed or delivered, such officer shall be guilty of a felony, and upon conviction shall be fined in a sum of not less than \$500 nor more than \$5000, or by imprisonment in the penitentiary for not less than one year and not longer than five years, or by both such fine and imprisonment. And if the board of directors of any school district, or any member thereof, shall use or dispose of any school-district bonds, or the money accruing from the sale of such bonds, in any other manner or for any other purpose than that for which the same was created or intended, he or they shall be liable to be punished by fine in any sum not less than \$1000, by information or indictment in any court of competent jurisdiction, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment. (Laws 1879, ch. 49, sec. 6.)

SEC. 275. *Final Disposition.* [5763.] On the payment of the bonds or coupons of any school district, the county treasurer shall immediately cancel the same, and indorse thereon the date of payment; and at the time of his settlements with the several school-district treasurers of his county he shall deliver to each the canceled bonds and coupons of his district, and take a receipt therefor, and such canceled bonds and coupons shall be destroyed by the district treasurer in the presence of all the officers of the district, a complete record of their destruction being made by the district clerk. On the last Saturday of July of each year, each and every county treasurer shall make to the clerk of his county a detailed report of all the bonds and coupons canceled during the year, and the date of payment of the same, accompanied by the receipts given by district treasurers therefor; and the county clerk shall immediately thereafter cancel the registry of all such bonds and coupons by indorsing thereon the date of payment of each. (Laws 1879, ch. 49, sec. 7.)

SEC. 276. *Rights Saved.* [5764.] The provisions of this act shall not apply to any school district where any election has already been held for the purpose of authorizing the issue of school-district bonds, but the same shall be issued as now provided by law. (Laws 1879, ch. 49, sec. 8.)

SEC. 277. *When not Issued.* [1577.] . . . No bonds, except for the erection and furnishing of schoolhouses, shall be voted for and issued by any county or township within one year after the organization of such new county. . . . (Laws 1887, ch. 128, sec. 1.)

SEC. 278. *Sale of Certain Municipal Bonds to the Board of State School-Fund Commissioners.* [6661.] That the several boards of county commissioners, boards of education of cities of the first and second class, and the officers of school districts and townships, and all other municipal officers who have charge of the sale of any bonds which the board of commissioners of the state permanent school fund or the loan commissioner of the state agricultural college are authorized to purchase under the law, are hereby directed to sell such bonds to said board of commissioners of the state permanent school fund or the loan commissioner of the state agricultural college, unless they can obtain a higher price therefor from other persons; and it shall

be unlawful for any such municipal boards, members thereof, or other municipal officers, to sell any such bonds at par or less than par without having first offered said bonds to said board of commissioners of the state permanent school fund and the loan commissioner of the state agricultural college; and every municipal board or member thereof, or other municipal officer, who shall sell any such bonds to any other person at par, or for a sum less than par with interest accrued thereon to date of delivery of same, without having first given the board of commissioners of the state permanent school fund and the loan commissioner of the state agricultural college an opportunity to purchase same at par, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding \$500, or by imprisonment in the county jail not exceeding six months. (Laws 1889, ch. 76, sec. 1.)

SEC. 279. *Payment Before Maturity.* [5828.] If at any time any board of education, school district, township or county shall have accumulated in the treasury sinking-fund sufficient to pay in full any bond or bonds issued by such board of education, school district, township or county before the maturity, the state permanent school fund, state normal school fund, or the university permanent school fund or agricultural college endowment fund being the holders thereof, such board of education, school district, township or county may pay the same to the state treasurer at the time any interest coupon is due, and take up such bond or bonds; and the state treasurer is hereby authorized to receive the same and to cancel such bond or bonds and the unmatured coupons attached thereto, and deliver the same so canceled to the officer paying the amount: *Provided*, That the state treasurer, before delivering said bond or bonds, shall present the same to the auditor of state, together with a statement showing the amount of coupons upon which no moneys have been received; and upon examining such statement, and comparing with the coupons attached to such bond or bonds, the auditor shall credit the treasurer with the amount shown to be canceled before maturity. (Laws 1889, ch. 225, sec. 1.)

SEC. 280. *Payable at State Treasury.* [5814.] From and after the passage of this act, the interest and principal of all bonds now belonging or which may hereafter belong to the permanent school fund or sinking-fund of the state of Kansas, which have

been or may hereafter be issued under and pursuant to the laws of said state, shall be payable at the office of the state treasurer. (Laws 1877, ch. 174, sec. 1.)

SEC. 281. *State Treasurer.* [5815.] At least 30 days before the maturity of any bonds or coupons belonging to the permanent school fund or sinking-fund, it shall be the duty of the state treasurer to furnish a detailed statement to each county or city treasurer, or the treasurer of any board of education, of the amount due from them respectively, describing in such statement the number of the district or the name of the city, the amount of interest due, and the amount of principal due, if any. (Laws 1877, ch. 174, sec. 2.)

SEC. 282. *County and City Treasurers.* [5816.] It shall be the duty of each county and city treasurer, and the treasurers of boards of education, to remit to the state treasurer, at least 10 days before the maturity of any bonds or coupons, all moneys collected by them for the redemption of such bonds and coupons; and all express charges and postage shall be a proper charge against such city or school district, and shall be allowed to such treasurer on settlement. (Laws 1877, ch. 174, sec. 3.)

SEC. 283. *Cancelation.* [5817.] On receipt of any funds by the state treasurer, he shall immediately cancel all coupons or bonds for which funds are remitted, and return such coupons or bonds to the office of the treasurer remitting the same. (Laws 1877, ch. 174, sec. 4.)

SEC. 284. *Penalty.* [5818.] Any county or city treasurer, or treasurer of any board of education who shall neglect or refuse to perform the duties required of him by this act shall be liable to the state in a sum equal to double the amount of such bonds or coupons remaining unpaid by reason of such neglect or refusal, which may be recovered in a suit at law against such treasurer and his bondsmen; and it is hereby made the duty of the county attorney of the proper county, upon the request of the attorney-general, to prosecute all such suits. (Laws 1877, ch. 174, sec. 5.)

ARTICLE XVI.

REFUNDING BONDS.

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| <p>§285. Bonded indebtedness may be refunded.</p> <p>286. Bonds shall be signed by whom.</p> <p>287. Bonds issued, how and when.</p> <p>288. Bonds shall be registered.</p> <p>289. Indebtedness shall not be increased, when.</p> <p>290. Annual levy for interest and sinking fund.</p> | <p>§291. County treasurer may make levy, when.</p> <p>292. Sinking-fund, when and how created.</p> <p>293. Coupons shall be promptly paid and destroyed.</p> <p>294. Penalty for wrongful use of money.</p> <p>295. Coupons when due shall be receivable for taxes by corporation issuing.</p> |
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SECTION 285. *Bonded Indebtedness May be Refunded.* [Laws 1891, ch. 163, sec. 1.] That every county, every city of the first, second or third class, the board of education of any city, every township and every school district is hereby authorized and empowered to compromise and refund its bonded indebtedness, including matured coupons and judgments thereon, upon such terms as can be agreed upon, and to issue new bonds with semiannual interest coupons attached, in payment for any sums so compromised, which bonds shall be sold at not less than par, shall not be for a longer period than 30 years, shall not exceed in amount the actual amount of outstanding indebtedness, and shall not draw a greater interest than 6 per cent. per annum. No indebtedness of any kind shall be funded or refunded under the provisions of this act except bonded indebtedness actually existing at the time of the passage of this act, or hereafter legally created; and nothing herein contained shall be construed to validate or invalidate any existing bonded indebtedness.

SEC. 286. *Bonds Shall be Signed, by Whom.* [465.] Bonds issued under this act by any county shall be signed by the chairman of the board of county commissioners, and attested by the county clerk, under the seal of the county. Bonds issued by any city shall be signed by the mayor, and attested by the city clerk, under the seal of the city. Bonds issued by any township shall be signed by the trustee, attested by the township clerk, and countersigned by the township treasurer. Bonds issued by the board of education of any city shall be signed by the president, and attested by the clerk of the board, under the seal of such board. Bonds issued by any school district shall

be signed by the director, attested by the clerk, and countersigned by the treasurer of the school-district board, and the coupons shall be signed by the mayor, president, director, trustee, or chairman of the board of county commissioners, and the clerks, respectively. Such bonds may be in any denominations, from \$100 to \$1000, and made payable at such place as may be designated upon the face thereof, and they shall contain a recital that they are issued under this act. (Laws 1879, ch. 50, sec. 2.)

SEC. 287. *How Issued and When.* [Laws 1891, ch. 163, sec. 2.] When a compromise has been agreed upon, it shall be the duty of the proper officers to issue such bonds at the rate agreed upon to the holder of such indebtedness, in the manner prescribed in this act; but no bonds shall be issued under this act until the proper evidence of the indebtedness for which the same are to be issued shall be delivered up for cancellation: *Provided*, That no bonded indebtedness shall be refunded by the board of county commissioners, or any mayor and city council, or any board of trustees of any township, or any school-district board or board of education, under this act, except such as have been issued and outstanding at least two years at the time of such refunding: *And provided further*, That, except for the refunding of outstanding bonds or matured coupons thereof, or judgments thereon, no bonds of any class or description shall hereafter be issued where the total bonded indebtedness of such county or township would thereby exceed 5 per cent. of the assessment for taxation, as shown by the last finding and determination by the proper board of equalization; or of such city, school district or board of education exceed 6 per cent. of such assessment; but this restriction shall not apply to cities of the first class.

SEC. 288. *Bonds Registered.* [Laws 1891, ch. 163, sec. 3.] The clerk of every county, city, township, school district and board of education issuing bonds under this act shall register the same in his office. Such bonds shall also, in every case, be registered by the county clerk, showing the date, number and amount thereof, rate of interest, number of coupons and amount of each, to whom payable, where payable, date of maturity, and, if optional, under what conditions; and all bonds refunded under this act shall have the words "Paid in full" marked in

a plain manner across the face of each bond and coupon so refunded, and such canceled obligations shall be carefully preserved in the office of the county clerk, or destroyed by the county commissioners, a register of the number, amount and date of issue having been first made by the county clerk. The proper officers shall, at the time of issuing refunding bonds, make out and transfer to the auditor of state a certified statement of all proceedings had by the proper board or city council, as shown of record, and that the said bonds have been issued for value, in all respects in conformity to this act, for certain indebtedness surrendered, distinctly describing the bonds issued and the indebtedness surrendered, and that they have been duly registered by the attesting clerk and the county clerk, as required herein, which statement shall be in such form and include such other information as the auditor of state may require, and be signed by all the officers whose signatures are attached to such bonds, and attested by the proper clerk with the corporate seal of the county, city, township, school district, or board of education, if any, and be duly acknowledged before the county clerk; and the auditor shall, upon being satisfied that such bonds have been issued according to the provisions of this act, and that the signatures thereto of the officers signing the same are genuine, register the same in his office in a book kept for that purpose, and shall, under his seal of office, certify upon such bonds the fact that they have been registered in his office according to law.

SEC. 289. *Indebtedness not to be Increased.* [468.] In all cases in which any county, city, township, the board of education of any city or school district shall effect a compromise of its indebtedness under this act, at a rate of 65 per cent. or less upon the amount of such indebtedness, and shall issue bonds therefor under the provisions of this act, such county, city, township, the board of education of any city or such school district so compromising at such a rate, shall never increase its indebtedness beyond the amount of such refunding bonds so issued under this act until the same are paid or liquidated, and any bonds that may be issued or indebtedness created in addition to such amount of refunding bonds so issued shall be absolutely null and void. (Laws 1879, ch. 50, sec. 5.)

SEC. 290. *Annual Levy.* [469.] In every instance in which any county, city, township, the board of education of any city or any school district shall issue bonds under this act, it shall be the imperative duty of the proper officers of such county, city, township, the board of education of any city, or of such school district, whose duty it may be to levy taxes, to annually levy, at the time of making the levy of other taxes, a tax sufficient in amount to pay the interest upon said bonds and the coupons as they become due, and to create a sinking-fund as provided for in this act for the payment of the principal of such bonds; and if such officers fail or neglect to make such levy, it shall be the duty of the county clerk forthwith to levy such tax; and in case any such officer shall neglect or refuse to levy any such tax at the time aforesaid, and in case any county clerk shall neglect or refuse to extend such tax upon the tax-roll of the county at the proper time, then, and in that case, any such officer so neglecting or refusing to levy or extend such tax shall be severally and individually liable, and shall also be liable upon his official bond to the holder of any such bond or coupon falling due during the year for which such tax should have been levied or extended for the full amount thereof, as soon as the same is due, which liability may be enforced in a civil action in the name of such holder; and any such officer so neglecting or refusing to levy or extend such tax shall also be deemed guilty of a misdemeanor, and, on conviction thereof shall be fined in an amount equal to the amount which it may be shown should have been so levied or extended during such year, or imprisoned in the county jail for a term of not less than three nor more than 12 months. (Laws 1879, ch. 50, sec. 6.)

SEC. 291. *County Treasurer to Make Levy.* [470.] Should the proper officers whose duty it is to levy the taxes to pay such bonds and coupons fail or neglect to make such levy as provided for in this act, it shall be the duty of the auditor of state, at any time thereafter, to ascertain the amount of interest and sinking-fund, or principal of such bonds, accrued and to accrue during that year, and shall certify the amount thereof to the treasurer of the county in which such bonds were issued, setting forth the amount thus due, and whether from the county or from a particular city, township, the board of education of

any city or school district within such county; and it shall be the duty of such county treasurer, immediately upon receiving such certified statement from the auditor of state, to proceed to ascertain from the assessment roll of the county the amount of taxable property in such county, city, township, the board of education of any city, or such school district, and what percentage is required to be levied thereon to pay said interest and sinking-fund or principal, and when so ascertained shall levy such percentage upon the taxable property of such county, city, township, the board of education of any city, or such school district, as may be liable thereto, and shall immediately place the same upon the tax-roll of the county, in a separate column or columns, designating the purpose for which said taxes are levied; and the said taxes shall be collected by the county treasurer of such county in the same manner that other taxes are collected. And should such county treasurer neglect or refuse to levy such tax and place the same upon the tax-roll for collection, as herein provided, he shall be personally liable, and also liable upon his official bond to the holder of any such bonds or coupons then due for the full amount thereof, and shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail for not less than three nor more than 12 months. (Laws 1879, ch. 50, sec. 7.)

SEC. 292. *Sinking-fund.* [471.] It shall be the duty of every county, city, township, the board of education of any city and of every school district, issuing bonds under this act, and of the proper officers thereof, to create a sinking-fund, and to levy annually a sufficient tax therefor for the redemption of such bonds, which shall be collected as other taxes, and paid into the treasury as provided by law for other taxes, and shall remain as a specific fund for the redemption of said bonds; the amount of which sinking-fund shall be as follows: In every instance in which bonds shall be issued under this act for 20 years or less, the quotient found by dividing the amount of the principal of such bonds by such number of years shall be the amount of sinking-fund to be levied each year for the redemption of such bonds; but in every instance in which such bonds shall be issued for more than 20 years, it shall not be necessary to create a sinking-fund, or to levy a tax therefor, until the twentieth year prior to the maturity of such bonds, at which time, and

each year thereafter, one-twentieth of the principal amount of such bonds shall be levied as a sinking-fund for the redemption of such bonds: *Provided*, That any county, city, township, the board of education of any city or any school district issuing bonds under this act may buy in and cancel any such bonds whenever the same can be done at or below par: *And provided further*, That such sinking-fund, when not required for the payment or purchase of bonds, may be invested in bonds of the United States or of the state of Kansas, and in no other manner: *And provided further*, That under the provisions of this act, the proper officers are authorized, if desirable, to issue instalment bonds, running 30 years, having coupons attached representing the semiannual interest to become due thereon; and each coupon attached to any instalment bond shall, after five years from its date, represent one-fiftieth of its principal, which amount shall be shown by separate words and figures aside from the interest represented in the coupon, and each instalment bond shall show upon its face that its principal is included in its coupons. (Laws 1879, ch. 50, sec. 8.)

SEC. 293. *Coupons Paid and Destroyed*. [472.] Whenever the bonds or interest coupons issued under this act shall become due, they shall be, on presentation, promptly paid by the proper disbursing officer, out of the money in his hands collected for that purpose; and he shall indorse upon the face of any bond or coupon paid by him, in red ink, the word "Paid," and the date of payment, and sign his name thereto, and at each settlement he shall turn over the bonds and coupons so paid and canceled, which shall be carefully preserved, or destroyed. (Laws 1879, ch. 50, sec. 9.)

SEC. 294. *Penalty for Wrongful Use of Money*. [473.] Any person who shall appropriate, use, or aid or abet in appropriating or using, any of the funds or moneys mentioned in this act, for any other purpose than as in this act provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum equal to the amount of money so appropriated or used, and imprisoned in the county jail for not less than three nor more than 12 months, and shall also be liable in a civil action for the amount so misappropriated or used, to be prosecuted by any such bondholder or other party entitled thereto. (Laws 1879, ch. 50, sec. 10.)

SEC. 295. *Coupons Receivable for Taxes.* [474.] The interest coupons provided for in this act shall, as fast as they become due, be receivable in payment of taxes due to the particular county, city, the board of education of any city, the township or school district which may have issued such coupons, and shall be received by all collecting officers the same as cash, in payment of such taxes. (Laws 1879, ch. 50. sec 11.)

ARTICLE XVII.

STATE PERMANENT SCHOOL FUND.

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| <p>§296. Board of school-fund commissioners, how composed and organized.</p> <p>297. Meetings.</p> <p>298. Records of school-fund commissioners.</p> <p>299. Register of bonds offered for sale.</p> <p>300. Bonds in which the different funds may be invested.</p> <p>301. Transactions of the board of commissioners.</p> <p>302. Records of the condition of funds.</p> <p>303. Where the records shall be kept.</p> <p>304. Orders to be drawn in payment for bonds purchased.</p> <p>305. The state treasurer shall be the custodian of the funds and securities belonging to the state permanent school, state normal school and state university funds.</p> <p>306. Separate account.</p> <p>307. The commissioners shall collect moneys due different funds.</p> <p>308. Compensation of board.</p> | <p>§309. Where person dies without heir and will, county superintendent may file petition in probate court.</p> <p>310. Probate court to order sale of estate described in petition.</p> <p>311. Proceeds of sale paid through county treasurer into state permanent school fund.</p> <p>312. All bonds belonging to state permanent school fund shall be consolidated, how.</p> <p>313. Consolidated bonds shall be registered.</p> <p>314. Registration of bonds.</p> <p>315. Registration of bonds.</p> <p>316. Bonds to be indorsed, how.</p> <p>317. State treasurer's statement to state auditor.</p> <p>318. Cancellation of bonds paid.</p> <p>319. Comparison of registers kept by auditor and treasurer.</p> <p>320. Penalty for delinquency of state treasurer.</p> <p>321. Rate of interest may be reduced.</p> <p>322. How funding bonds are to be stamped.</p> |
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SECTION 296. *School-Fund Commissioners.* [6650.] The state superintendent of public instruction, secretary of state and attorney-general shall constitute a board of commissioners for the management and investment of the state permanent school, state normal school and state university funds. Such board shall be organized as follows: The secretary of state shall be the president of such board, and the state superintendent of public instruction shall be the secretary thereof. In the absence of either of said officers, the attorney-general shall act as president, or as secretary, as the case may require. Such commissioners, when acting as such, must act personally. No member thereof can be represented in such board by any assistant or clerk in the office of which such member is the chief officer. (Laws 1879, ch. 166, sec. 113.)

SEC. 297. *Meetings.* [6651.] Such board of commissioners shall meet regularly in the office of the state superintendent of public instruction, on the last Saturday of each month, at ten o'clock A. M. Special meetings of the board may be held at any time at the call of any member. (Laws 1879, ch. 166, sec. 114.)

SEC. 298. *Records.* [6652.] Said commissioners shall keep in a suitable book a full and correct record of all their proceedings at every session of the board, which record at the close of each session shall be signed by the president and secretary. (Laws 1879, ch. 166, sec. 115.)

SEC. 299. *Bonds Offered.* [6653.] They shall also keep such other books as may be necessary to properly register and describe all bonds offered to them, and all bonds bought by them for the benefit of the permanent school, state agricultural college, state normal school and state university funds, or either. Such record books shall be ruled so as to enable the board to register the name and residence of the person offering to sell any such bond or bonds, the name and residence or location of the owner or district for whom such offer is made, and a full, detailed description of every bond, whether United States, state, or school district, and the date, number, series, amount and rate of interest of each bond, and when the interest and principal respectively are payable; and such record shall be made of every such bond before the board shall act upon the question of purchasing such bond. (Laws 1879, ch. 166, sec. 116.)

SEC. 300. *Investment.* [6654.] Said board of commissioners shall have the power, and it is hereby made their duty, from time to time to invest any moneys belonging to the permanent school fund, the state agricultural college, state normal and state university funds in the bonds of the state of Kansas, or of the United States, school-district bonds of the several school districts of the state of Kansas, bridge, court-house bonds, or in county, township or city refunding bonds of the several counties, townships and cities of the state of Kansas. In making such investment they shall give preference to the bonds of the state of Kansas, school-district bonds, and refunding bonds, when the same can be procured most advantageously to the said funds; but they shall not pay for any state, school-district or refunding bonds in any case a greater sum than the par value of the same, nor shall they pay for any such bonds any greater sum than the actual market price thereof at the time of purchasing the same: *Provided, however,* That the commissioners shall not invest in any bonds which, together with the other outstanding indebtedness, shall exceed 10 per cent. of the assessed valuation of said municipal corporation: *And provided*

further, That all refunding bonds herein provided shall be bonds refunded under the general laws of the state. (Laws 1883, ch. 143, sec. 1.)

SEC. 301. *Quorum and Business.* [6655.] Any two members of said board shall constitute a quorum. But such board shall not purchase any school-district bond or bonds except at a legal session thereof, nor unless every member of the board is notified in time to be present at such meeting, and notified also that the question of purchasing such bonds is to be considered thereat, designating the bonds. (Laws 1879, ch. 166, sec. 118.)

SEC. 302. *Records.* [6656.] Said commissioners shall keep a record, showing a detailed statement of the condition of the state permanent school, state normal school and state university funds under their control, amount of each fund, how invested, when due, interest paid, and every other act in any manner connected with the management and investment of said funds; and the state superintendent of public instruction shall biennially report all such investments to the governor, to be laid before the legislature. (Laws 1879, ch. 166, sec. 119.)

SEC. 303. *Office and Records.* [6657.] All the records and record books of such board shall be kept in the office of the state superintendent of public instruction, but the same shall at all times be open for the inspection of every member of such board and other state officers, and any member or committee of the legislature or either house thereof. (Laws 1879, ch. 166, sec. 120.)

SEC. 304. *Orders to be Drawn.* [6658.] In the investment of the state permanent school, state normal school and state university funds, the commissioners of these funds are hereby authorized to draw their order on the state treasurer, payable out of the fund invested, for the purchase price of the bond, and an order payable out of the annual school fund for any accrued interest that may have accumulated on the bonds purchased; which orders, previous to their delivery, shall be registered by the state treasurer in a book provided for that purpose. (Laws 1879, ch. 166, sec. 121.)

SEC. 305. *Custodian.* [6659.] All moneys belonging to the state permanent school, state normal school and state university funds shall be paid to and held by the state treasurer, and be

subject to the order of the board of commissioners. The state treasurer shall also be the custodian of all bonds, notes, mortgages and evidences of debt arising out of the management and investment of the state school, state normal school and state university funds by said board of commissioners. (Laws 1879, ch. 166, sec. 122.)

SEC. 306. *Separate Account.* [5836.] He shall keep in a separate book an account of all school moneys received by him, distinguishing between the perpetual fund and the annual fund for disbursement. . . . (Laws 1876, ch. 122, art. 15, sec. 3.)

SEC. 307. *Collection of Moneys.* [6660.] It shall be the duty of said board of commissioners from time to time, and as soon as may be practicable, to collect all moneys due and owing to the state school, state normal school and state university funds, and make investments of the same as hereinbefore required. If any such moneys shall remain unpaid for 30 days after the same become due and payable, the commissioners shall order the attorney-general to proceed to collect the same by civil action, to be brought and prosecuted in the name of the state. (Laws 1879, ch. 166, sec. 123.)

SEC. 308. *Compensation.* [5807.] Said board of commissioners shall receive such pay for their services as may be prescribed by law. (Laws 1876, ch. 122, art. 15, sec. 6.)

SEC. 309. *Unclaimed Estates.* [5809.] In all cases where persons die without heirs, and intestate, it shall be lawful for the superintendent of public instruction of the county where any land lies, belonging to the estate of such person dying without heir and will, after a lapse of three years from the date of letters of administration upon such estate, to file a petition in the probate court of the county granting such letters, setting forth in said petition (1) that such deceased person died without heirs, and intestate; (2) that three years have elapsed since the date of letters of administration; (3) a description of the real estate; (4) that no debts remain unpaid of this estate not barred by the statute of limitation. Such petition shall be verified by the affidavit of the county superintendent of public instruction, or by some person who has knowledge of the fact. (Laws 1876, ch. 122, art. 15, sec. 8.)

SEC. 310. *Sale of Real Estate.* [5810.] It shall be the duty of the probate court, on the filing of the petition mentioned in the preceding section, and being satisfied that the facts stated in said petition are true, to issue an order to the administrator to sell the real estate described in such petition, in the same manner as real estate is sold by administrators for the payment of debts due from deceased persons; and the same proceedings shall be had in confirming the sale and the execution of the deed by the administrator as are provided by law for the sale of real estate for the payment of the debts of any deceased person. (Laws 1876, ch. 122, art. 15, sec. 9.)

SEC. 311. *Proceeds of Sale.* [5811.] It shall be the duty of the administrator, after the payment of the costs of said petition, and making said sale, and 6 per cent. commission to such administrator, to pay the county treasurer of the county where the land is situated the remainder of the purchase-money for the benefit of the common schools of the state, and shall take duplicate receipts therefor; and it shall be his duty to file one of such duplicates with the probate court of the proper county. If, at any time within 21 years after the date of payment of said money to the county treasurer, any person shall appear and claim said money as the rightful heir to said estate, and shall prove heirship satisfactorily to the probate court, the judge of said court shall so certify, and the state treasurer shall pay over to such claimant the sum so received from the county treasurer from such estate. (Laws 1876, ch. 122, art. 15, sec. 10.)

SEC. 312. *Consolidation of Bonds.* [5812.] It is hereby made the duty of the school-fund commissioners to consolidate all state bonds now belonging to or hereafter coming into possession of the permanent school fund, in the following manner, to wit: All bonds falling due on the same date and bearing the same rate of interest shall be consolidated into one bond, of equal amount to the bonds so consolidated; and coupons of interest shall be attached thereto, of equal amount to the consolidated coupons, and payable in the same manner as the coupons of the bonds so consolidated; such consolidated bonds shall be made out by the auditor of state, signed by the governor, and attested by the secretary of state, and shall be made payable to the permanent school fund of the state of Kansas, and shall have imprinted on their face the words, "Not transferable."

All bonds presented by the school-fund commissioners shall, in their presence, be canceled and destroyed by the auditor of state, after a consolidated bond shall have been issued for the same. (Laws 1876, ch. 122, art. 15, sec. 11.)

SEC. 313. *Registry of Bonds.* [5813.] All consolidated bonds shall be registered by the auditor as other state bonds now are registered. (Laws 1876, ch. 122, art. 15, sec. 12.)

SEC. 314. *Registration.* [5820.] Immediately after the passage of this act, it shall be the duty of the auditor of state to prepare a register of all bonds belonging to the permanent school fund. (Laws 1877, ch. 172, sec. 1.)

SEC. 315. *Bonds to be Registered.* [5821.] That it shall hereafter be the duty of the commissioners of the permanent school fund to present to the auditor of state all bonds which may hereafter be purchased by them prior to the deposit of the same with the state treasurer, and it shall be the duty of the auditor to register all bonds so presented. (Laws 1877, ch. 172, sec. 2.)

SEC. 316. *Indorsement of Bonds.* [5822.] That it shall be the duty of the auditor of state to indorse upon all bonds and coupons now belonging to the permanent school fund and deposited with the state treasurer, or which may be hereafter purchased by the commissioners of the permanent school fund, prior to the deposit of the same with the state treasurer, the following: "The property of and payable to the permanent school fund of the state of Kansas, and not negotiable or transferable," with his name thereto; and thereafter the said bonds shall not be transferable. (Laws 1877, ch. 172, sec. 3.)

SEC. 317. *Treasurer's Statement.* [5823.] That it shall be the duty of the state treasurer, immediately after collecting any interest on such bonds or the principal of the same, to file with the auditor a detailed statement or statements of the amount or amounts so collected, stating the name of the county, the number of the district, the number of the coupons or bonds paid by such district, and the amount paid; and the said treasurer shall cancel on the register in his office all coupons and bonds so paid. (Laws 1877, ch. 172, sec. 4.)

SEC. 318. *Cancellation of Bonds and Coupons.* [5824.] That immediately after the filing of such statement or statements by the treasurer, the auditor shall cancel such coupons or bonds as

are designated in said statement or statements upon the register in his office, and charge the treasurer with the amounts. (Laws 1877, ch. 172, sec. 5.) •

SEC. 319. *Bonds to be Compared.* [5825.] That it shall be the duty of the auditor of state, on the first Monday in August of each year, to compare the register kept by him with the bonds in the treasurer's office, and shall at the time of comparing such register require the treasurer to produce all coupons and bonds remaining unpaid, which shall be compared with the register. (Laws 1877, ch. 172, sec. 6.)

SEC. 320. *Penalty.* [5826.] That any state treasurer who shall fail or refuse to comply with the provisions of section 3 and section 5 of this act⁷¹ shall be deemed guilty of having converted the same to his own use, and shall upon conviction be subject to all the penalties provided for in section 56 of chapter 102, General Statutes of the state of Kansas. (Laws 1877, ch. 172, sec 7.)

SEC. 321. *Time Extended.* [5827.] The board of commissioners for the management of the state permanent school funds shall have the power, and it is hereby made the duty of said board, to exchange any school-district bonds belonging to the permanent school funds now in the state treasury for other bonds of the same district bearing a lower rate of interest and running a longer time than the bonds exchanged: *Provided*, That they shall not purchase any funding bonds running a less time than five years: *And provided further*, That the rate of interest on bonds running from 5 to 15 years shall be 7 per cent. per annum, and on bonds running longer than 15 years the rate of interest shall be 6 per cent. per annum. (Laws 1879, ch. 160, sec. 1.)

SEC. 322. *Funding Bonds to be Stamped.* [5831.] All bonds accepted as funding bonds by the board of commissioners shall be stamped by the auditor and deposited with the state treasurer, and the auditor shall charge the treasurer with the amount in the same manner as though said bonds had been purchased for cash. (Laws 1879, ch. 160, sec. 5.)

71 Sections 316 and 318 of this book.

ARTICLE XVIII.

STATE ANNUAL SCHOOL FUND.

§323. State annual school fund shall consist of what.

324. State treasurer hold annual school fund subject to order of state superintendent.

325. Treasurer shall report, on 15th of February and August of each year, the amount of annual school fund in the treasury.

326. Treasurer shall pay county treasurer on order of state superintendent.

§327. State treasurer shall give bonds.

328. County treasurer shall apply to state treasurer for school moneys apportioned to county.

329. County treasurer, upon proper application, shall pay over to district treasurer moneys.

330. Each insurance company doing business in the state shall annually pay \$50 into the state annual school fund.

SECTION 323. *Shall Consist of What.* [5834.] For the purpose of affording the advantages of a free education to the children of the state, the state annual school fund shall consist of the annual income derived from the interest and rents of the perpetual school fund, as provided in the constitution of the state, and such sum⁷² as will be produced by the annual tax and assessment of one mill upon the dollar valuation of the taxable property of the state, and there is hereby levied and assessed annually the said one mill upon the dollar for the support of common schools in the state; and the amount so levied and assessed shall be collected in the same manner as other state taxes. (Laws 1876, ch. 122, art. 16, sec. 1.)

SEC. 324. *State Treasurer.* [5835.] The state treasurer shall receive all the annual income of the state appropriated for the annual support of schools, whether derived from the interest of moneys loaned, rents of school lands, or annual tax, and hold the same subject to the order of the state superintendent of public instruction. (Laws 1876, ch. 122, art. 16, sec. 2.)

SEC. 325. *Report.* [6600.] . . . The state treasurer shall also, on the 15th day of February and August of each year, report to the state superintendent of public instruction the amount of money in the treasury belonging to the annual school fund and subject to disbursement on the semiannual dividends. (Laws 1879, ch. 166, sec. 55.)

SEC. 326. *Payment.* [5837.] He shall pay over to the treasurer of each county, on application, the amount of school money

72 One-mill tax repealed in 1879.

due to said county, on order of the state superintendent of public instruction. (Laws 1876, ch. 122, art. 16, sec. 4.)

SEC. 327. *County Treasurer.* [5839.] The treasurer of each county shall apply for and receive of the state treasurer the school moneys apportioned to his county as soon as the same shall become payable. (Laws 1876, ch. 122, art. 16, sec. 6.)

SEC. 328. *Pay to the District Treasurer.* [5840.] Each county treasurer receiving such moneys shall, upon proper application of the district treasurer of any district, pay over to the said district treasurer the amount apportioned to the district by the county superintendent. (Laws 1876, ch. 122, art. 16, sec. 7.)

SEC. 329. *Insurance Companies.* [5841.] . . . Every insurance company doing business in this state shall, in addition to the fees required by this act, (chapter 93, Laws 1871,) pay into the state treasury, for the benefit of the annual school fund, the sum of \$50 each year. (Laws of 1876, ch. 122, art. 16, sec. 8.)

ARTICLE XIX.

COUNTY SCHOOL FUND.

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| <p>§330. County treasurer shall collect all moneys due to the county school fund.</p> <p>331. County clerk shall report amount of county school fund to county superintendent.</p> <p>332. Justices shall report to county superintendent proceeds of fines and estrays.</p> <p>333. Moneys and property, delivered to whom.</p> | <p>§334. No compensation.</p> <p>335. Penalty if county treasurer fails to pay over.</p> <p>336. Unclaimed money shall be paid by administrator into county school fund, when.</p> <p>337. Fines and penalties paid into common-school fund.</p> |
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SECTION 330. *County Treasurer.* [5842.] The county treasurer shall collect all moneys due the county for school purposes from fines, forfeitures, or proceeds from the sale of estrays, and all moneys paid by persons as equivalent for exemption from military duty; and he shall, upon proper application of the district treasurer of any district in the county, pay over to the said district treasurer the amount apportioned to the district by the county superintendent. He shall also collect the delinquent taxes on real estate in any district, in the same manner as county taxes are collected, whenever such delinquent-tax list shall have been lawfully reported and returned to him, and he shall pay the same over to the treasurer of the district to which such delinquent taxes are due; and if any county treasurer shall refuse to deliver over to the order of the county superintendent any school money in his possession, or shall use or permit to be used for any other purpose than is specified in this act any school money in his possession, he shall on conviction thereof be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding \$500, or by imprisonment in the county jail not exceeding one year. (Laws 1876, ch. 122, art. 17, sec. 1.)

SEC. 331. *County Clerk.* [5843.] The county clerk of each county shall, on the first Mondays of March and July of each year, make out and transmit to the county superintendent a true statement of any county school money then in the county treasury. (Laws 1876, ch. 122, art. 17, sec. 2.)

SEC. 332. *Justice of the Peace.* [5844.] Each justice of the peace shall report to the county superintendent, on the 1st day of March and on the 25th day of July of each year, the amount received from the proceeds of fines and estrays during the six

months preceding, and belonging to the school fund of the county; and each justice of the peace, at the time of making his report to the county superintendent, shall promptly pay all of said proceeds to the county treasurer, to be disbursed by the county superintendent at the next ensuing semiannual dividend. (Laws 1876, ch. 122, art. 17, sec. 3.)

SEC. 333. *Moneys and Property.* [5845.] All persons having school moneys or other school property in their possession, by virtue of any act heretofore passed, are hereby required to pay over and deliver the same to the proper officers provided for by this act. (Laws 1876, ch. 122, art. 17, sec. 4.)

SEC. 334. *No Compensation.* [5846.] No county treasurer shall receive any compensation for disbursing or receiving either county or state school moneys. (Laws 1876, ch. 122, art. 17, sec. 5.)

SEC. 335. *Fine.* [5847.] Any county treasurer who shall neglect or fail to pay over any school money in the treasury, on application, shall be subject to a fine of not less than \$500 for every such neglect or failure. (Laws 1876, ch. 122, art. 17, sec. 6.)

SEC. 336. *Unclaimed Moneys.* [5808.] If any sum of money directed by an order of the court to be distributed to heirs, next of kin or legatees shall remain for the space of one year unclaimed, the executor or administrator shall pay over the same to the treasurer of the county for the benefit of common schools of the county. (Laws 1876, ch. 122, art. 15, sec. 7.)

SEC. 337. *Common-School Fund.* [5394.] All fines and penalties imposed, and all forfeitures incurred, in any county, shall be paid into the treasury thereof, to be applied to the support of common schools. (General Statutes 1868, ch. 82, sec. 332.)

ARTICLE XX.

REGISTRATION OF WARRANTS.

§338. How and to whom drawn.

339. Shall be sworn to before.

340. Shall be signed by and attested by.

341. Record of all warrants.

342. All warrants countersigned by.

§343. Payment of warrants.

344. Indorsed when no funds.

345. Publication of lists.

346. Delivery of books to successor.

347. Penalty.

SECTION 338. *How and to Whom Drawn.* [Laws 1891, ch. 249, sec. 1.] All warrants shall be drawn to the order of the person or persons entitled to receive the same, and shall specify the nature of the claim or service for which they were issued and out of what funds payable ; and the term "warrants," as used in this act, shall be understood to include all orders of any kind or description authorized by law to be drawn on public treasurers for money payments.

SEC. 339. *Sworn to.* [Laws 1891, ch. 249, sec. 2.] No warrants shall be issued except under due authority as provided by law ; and no warrants shall be issued or authorized by any board of county commissioners, city council, township board, school-district board, or board of education, except on audited account duly itemized in writing and verified by affidavit, setting forth that the same is just and correct and remains due and unpaid ; and for the purpose of such affidavit, the chairman of the county board, the mayor of the city, the township trustee, the directors of the school district, and the president of the board of education, and the respective clerks thereof, shall have power to administer oaths.

SEC. 340. *Signed and Attested.* [Laws 1891, ch. 249, sec. 3.] County warrants shall be signed by the chairman of the board of county commissioners, and attested by the clerk ; city warrants shall be signed by the mayor, and attested by the city clerk ; township warrants shall be signed by the township trustees, and attested by the township clerk ; school-district warrants shall be signed by the director, and attested by the clerk ; board of education warrants shall be signed by the president, and attested by the clerk.

SEC. 341. *Record.* [Laws 1891, ch. 249, sec. 4.] The clerk of every county, township, city, school district, or board of edu-

cation shall keep a correct record of all warrants drawn on the treasury of such county, township, city, school district, or board of education, showing the number, date and amount thereof, on what fund drawn, and the name of the person or persons to whom the same are made payable.

SEC. 342. *Countersigned.* [Laws 1891, ch. 249, sec. 5.] Before delivering any warrant to the person or persons for whose benefit the same is drawn, the clerk shall present the same to the treasurer, who shall enter, in a book by him kept for that purpose, the number, date and amount of such warrant, on what fund drawn, and the name of the payee, and thereupon countersign the warrant upon the face thereof.

SEC. 343. *Payment.* [Laws 1891, ch. 249, sec. 6.] It shall be the duty of the treasurer of any county, city, township, school district or board of education to pay on presentation any warrant properly drawn on any fund in his custody by virtue of his office, and, when paid, write across the face of such warrant the word "Paid" in red ink, and sign the same: *Provided*, That there is sufficient money in his possession belonging to the fund upon which such warrant is drawn to pay the same.

SEC. 344. *Indorsed.* [Laws 1891, ch. 249, sec. 7.] In case there is not sufficient money in the hands of such treasurer to pay any warrant when presented, he shall indorse thereon a proper registered number, in the regular order of its presentation, and the words, "Presented and not paid for want of funds," with date, and sign said indorsement; and he shall record in his warrant register the number, amount and date of all such warrants, to whom payable, and the date when presented for payment, and their registered number as indorsed thereon, and such warrants shall be paid in the order of their presentation as shown by such register; and no warrants shall be received for taxes by any county treasurer unless he shall have in cash a sufficient sum to redeem all warrants having such priority over the warrants so offered for taxes.

SEC. 345. *Publications of Lists.* [Laws 1891, ch. 249, sec. 8.] It shall be the duty of any treasurer, whenever any money comes into his hands by virtue of his office, to set apart a sufficient sum to pay any or all warrants that have been registered in compliance with the provisions of this act, and to keep the

same until called for ; and it shall be the duty of every county, township and school-district treasurer to publish in the official county paper, and of every city treasurer and board of education to publish in the official city paper, between the 1st and 15th days of February and August in each year, a call for the redemption of such warrants as he can pay, describing the warrants by giving their issue number, registered number, and amount ; and interest shall cease on each of said warrants on and after such publication.

SEC. 346. *Books Delivered.* [Laws 1891, ch. 249, sec. 9.] Every county, city and township treasurer and every treasurer of a school district or board of education shall, upon the expiration of his term of office, deliver to his successor the warrant register containing the list of warrants originally recorded and countersigned and presented and registered, who shall in all things act as though the entries of such warrants were made by himself.

SEC. 347. *Penalty.* [Laws 1891, ch. 249, sec. 10.] Any officer of any county, city, township, school district or board of education who shall sign or attest any warrant not duly authorized by the proper board or city council, and any treasurer who shall countersign any warrant not theretofore signed and attested by the proper officers as required in this act, shall be liable to the county, city, township, school district or board of education in the sum of such warrant ; and any such officer who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than \$50 nor more than \$500.

ARTICLE XXI.

WATER-CLOSETS.

SECTION 348. *Building and Maintaining.* [Laws 1891, ch. 197, sec. 1.] That the school boards and boards of education having supervision over any school district in this state shall provide and maintain suitable and convenient water-closets for each of the schools under their charge or supervision. There shall be at least two in number, which shall be entirely separate from each other. It shall be the duty of the officers aforesaid to see that the same are kept in a neat and wholesome condition; and failure to comply with the provisions of this act by the aforesaid officers shall be grounds for their removal from office.

ARTICLE XXII.

SCHOOL-DISTRICT LIBRARIES.

§349. School districts may vote a tax not to exceed two mills for district library.
350. The money so collected shall be used for no other purpose.

§351. Librarian to be appointed by district board.

SECTION 349. *Library Fund.* [5678.] That the several school districts of the state may, at the annual meeting in each year, vote a tax upon all the taxable property of the district, not to exceed two mills on the dollar, which tax shall be certified by the district clerk to the county clerk, at the same time and manner as other school-district taxes are certified; and the county clerk shall place the same on the tax-roll of the county in a separate column, designating the purpose for which such tax was levied; and said tax shall be collected and paid over to the treasurer of said district in all respects as other school-district taxes are collected and paid: *Provided, however,* That in the districts where the taxable property of the district is more than \$20,000 and not more than \$30,000, there shall not be levied more than 1½ mills on the dollar; and where the taxable property is more than \$30,000 and not more than \$50,000, there shall not be levied more than 1 mill on the dollar; and in all cases where the taxable property of the district shall exceed \$50,000, there shall not be levied more than one-half mill on the dollar. (Laws 1876, ch. 122, art. 8, sec. 1.)

SEC. 350. *How Used.* [5679.] The money so collected shall be used under the direction of the board of directors for the purchasing of a school-district library, and for no other purpose; and the district board, in the purchase of books, shall be confined to works of history, biography, science, and travels. (Laws 1876, ch. 122, art. 8, sec. 2.)

SEC. 351. *Librarian; Rules.* [5680.] The district clerk shall be the librarian, unless the board of directors shall appoint some other competent and suitable person, who shall reside in the district, to perform the duties of that office; and the board shall have power to make such rules and regulations in regard to the management of said library as they shall deem best, and they shall revise and change said rules from time to time as the necessities of the case may require. (Laws 1876, ch. 122, art. 8, sec. 3.)

ARTICLE XXIII.

SCHOOL LANDS.

- §352. What school lands must be sold.
- 353. Petition for sale to be signed, etc.; appointment and duties of appraisers; minimum price.
- 354. County clerk shall record appointment and file appraisalment.
- 355. Sale and leasing of school lands.
- 356. Unlawful to occupy school lands.
- 357. Duty of county clerk.
- 358. Penalty for false swearing.
- 359. Proceedings in probate court; right of appeal.
- 360. Claimant may purchase one quarter-section at appraised value, when; county treasurer shall dispose of unsold portion, how.
- 361. Terms of payment for other lands.
- 362. County clerk shall issue certificate to purchaser; attorney-general shall prepare form for certificate.
- 363. Credits on contracts; fractional subdivisions.
- 364. Interest on deferred payments, how appropriated.
- 365. Purchaser credited on record of county clerk, how.
- 366. Clerk shall transmit to auditor, when.
- 367. State auditor shall debit and credit each county treasurer, how.
- 368. County treasurer shall pay over moneys to state treasurer, when; penalty for failure to pay over.
- 369. Purchaser shall not commit waste; lands purchased under this act are taxable.
- 370. Governor issue patent to purchaser, when.
- 371. In case of failure to pay interest, etc., when due, title to land forfeited; county attorney shall proceed to eject.
- 372. Forfeited lands may be reappraised, when.
- 373. Who shall be allowed to purchase.
- §374. Proceeds of sale, how invested.
- 375. Lands may be sold at private sale to actual settlers, when, in what quantities, and at what price.
- 376. Privilege of school district to purchase site.
- 377. Fees allowed for specified services; timbered lands may be surveyed; county treasurer shall pay on order of county superintendent.
- 378. County superintendent shall transmit abstract of orders to state auditor, when; state treasurer shall give additional bonds as custodian of bonds and securities.
- 379. State auditor shall include in his annual report a statement of sales of school lands.
- 380. County clerk shall furnish state auditor with requisite data for a report.
- 381. Penalty for trespass on school land; fine.
- 382. Trespassers shall be brought before justice, how.
- 383. Procedure in justices' courts.
- 384. Court having criminal jurisdiction shall give special charge to grand jury.
- 385. Duty of whom to take notice and file complaint.
- 386. County attorney shall prosecute.
- 387. Fines collected for trespass to be paid into the county school fund.
- 388. County clerk shall report sales of school lands to state auditor, when; penalty for failure to report.
- 389. Duty of auditor, if clerk fails to report.
- 390. Purchaser shall pay, annually, the amounts specified in his bond, and shall receive from county treasurer duplicate receipts.
- 391. Duty of auditor if county treasurer fails to pay over moneys arising from sale of school lands.

SECTION 352. *May be Sold.* [5766.] All lands granted by the congress of the United States for school purposes, known as sections 16 and 36, together with all such lands as have been granted in lieu of said sections, may be sold; and such sale shall be regulated by the provisions of this act: *Provided*, That no lands granted by act of congress for school purposes, lying and being in any unorganized county of this state, shall be subject to sale until three years after such county shall have been organized. (Laws 1886, ch. 150, sec. 1.)

SEC. 353. *Appraisement.* [5767.] Whenever 20 householders of any organized township in which the land is situated shall petition the superintendent of public schools of such county to expose to sale any portion or portions of said land, describing the same, he shall, by and with the consent of the county commissioners of his county, appoint, in writing, three disinterested householders residing in the county in which said land is situated, who, being first duly sworn by an officer authorized to administer oaths to faithfully perform their duties, shall appraise each legal subdivision of said land separately at its real value, and return their appraisement in writing, signed by them, to the clerk of the county; and in case any parcel of the said land shall have been improved, the said appraisers shall, in addition to the appraisement of the land, return and file with the same a separate appraisement of the improvements upon the land: *Provided*, That no appraisement of land for less than \$3 per acre shall be of any validity, or entitle any person to the provisions of this act. (Laws 1876, ch. 122, art. 14, sec. 2.)

SEC. 354. *County Clerk.* [5768.] The county clerk shall immediately file the said appointment and appraisement of said appraisers in his office, and record the same in a book kept for that purpose. (Laws 1876, ch. 122, art. 14, sec. 3.)

SEC. 355. *Sale and Leasing of School Lands.* [Laws 1899, ch. 241, sec. 1.] That paragraph 5769 of the General Statutes of 1889 be amended to read as follows: Paragraph 5769. Any person who has settled upon any portion of school land and has actually resided thereon continuously for a period of six months, and has made it his only home for said period, and has improved said land to the amount of \$100, including a permanent dwelling, prior to the appraisement, may, within 60 days after its appraisement, file in the probate court of his county a verified petition stating therein that he has settled upon said land and has resided thereon continuously for a period of not less than six months immediately prior to said appraisement; that he has permanently improved said land to the amount of \$100; that said improvements consist of a permanent dwelling, and such other improvements as show an intention to make a permanent home thereon; that said land has been appraised, and the amount thereof; that said improvements have been appraised,

and the amount thereof; that he has not heretofore taken school land to the amount of one quarter-section under the provisions of this act, or of the act of which this is amendatory; that he has given 10 days' public notice through a newspaper of general circulation in the county where said land is situated, setting forth in such notice a description of the land, the names and residences of two witnesses by whom he expects to prove said settlement and improvements; the time when (the time to be fixed by the probate judge) said petition will be heard by the probate court, and asking that he be allowed to purchase said land: *Provided*, That any person who has purchased school land to the amount of one quarter-section under the provisions of the act of which this act is amendatory, or who may hereafter purchase school land to the amount of one quarter-section under the provisions of this act, shall not again be permitted to purchase school land under the provisions of this act: *Provided further*, That the heirs of deceased persons who have made improvements upon school land shall be entitled to all the rights accruing to actual residents thereon: *Provided further*, That school land that has a settler actually residing upon and improving said land in accordance with the provisions of this act shall not be brought into market until six months after the commencement of such settlement and improvement: *Provided further*, That any person who has resided on school land for a period of one year, and who has neglected or refused to purchase the same within said time as herein provided, shall forfeit all rights, title and interest to the same. The board of county commissioners, county treasurer and county superintendent of public instruction of the various counties in the state of Kansas are hereby empowered to enter into contracts and lease for any purpose all school lands in their respective counties which are subject to lease under the provisions of this act: *Provided*, That only lands now in cultivation may be leased for agricultural purposes: *Provided further*, That said contracts or leases shall not be for a period less than three nor more than five years, and for not less than \$25 per year per section, or a proportional amount for any subdivision thereof: *Provided further*, That all contracts shall be made at a regular meeting of the board of county commissioners, and shall be let to the highest bidder: *Provided further*, That all rents shall be paid an-



nually in advance, payments to be made on the first Monday in January of each year: *Provided further*, The first payment shall be made at the time of entering into contract for leasing said land. All rents shall be paid to county treasurer of the county in which said land is located, and he shall remit the same to the state treasurer as a part of the state permanent school fund. Should any renter, lessee or any person occupying or using such school land neglect or refuse to pay the rental when due, having had 30 days' notice by county treasurer, he shall forfeit all rights under the contract herein provided for. When 10 householders of any organized township in which the land is leased under the provisions of this act is situated shall petition the superintendent of public schools of such county to expose to sale any portion or portions of said land, describing the same, he shall notify the board of county commissioners of such petition having been received, and they shall cause notice of such petition to be published for three consecutive weeks in the official county paper; and after one year from the date of such first publication the land described in such petition shall be subject to appraisement and sale as hereinbefore provided for, and all such sales shall be subject to existing leases: *And be it provided further*, That any county clerk who shall neglect or refuse to serve any notice herein provided for, or the notice provided for in section 2, chapter 161, Session Laws 1879, on any defaulting purchaser, within 90 days after such default in payment of either the annual interest or the balance of the purchase-money, shall be subject to a fine of not less than \$50 nor more than \$100 for each offense. Any person locating upon school land for homestead purposes, as herein provided, shall file with the county clerk of the county in which such school land is situated, within ten days after such locating and settlement, an affidavit of such settlement, and the county clerk shall immediately file such affidavit, and keep a record of all such settlements, and issue to the person making the settlement a certificate containing the date of settlement as shown by the affidavit and the name of the person making the settlement, and also the date of filing such affidavit.

SEC. 356. *Unlawful to Occupy School Lands.* [Laws 1899, ch. 241, sec. 2.] That it shall be unlawful for any person, company or corporation to include any school land in any enclosure or occupy the same for grazing or for other purposes without

first having regularly leased or located upon the same for the purpose of a homestead under the provisions of this act. Any person, company or corporation so enclosing or occupying said school lands without having entered the same for the purpose of a homestead, or leased the same under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than \$10 and not exceeding \$100, and shall also be liable for the amount of the minimum yearly rental value of the land so enclosed or occupied and the costs of collecting the same; and to secure the payment of the minimum rental value of such land, a first lien is hereby declared and created upon and against any stock permitted to graze on any school lands in violation of the provisions of this act, and shall be enforced by the sheriff of the county as hereinafter provided.

SEC. 357. *Duty of County Clerk.* [Laws 1899, ch. 241, sec. 3.] It shall be the duty of the county clerks of the several counties of this state to furnish the sheriffs of their respective counties with a complete list of all school land not located for settlement or leased as provided in this act lying and situated within said county, on or before the 1st day of May of each year, and on receipt of such list it shall be the duty of the sheriff to make a personal investigation for the purpose of ascertaining whether any of the school lands mentioned in said list have been or are occupied in violation of any of the provisions of this act; such list to be a continuing notice to such sheriff for said year, and the sheriff is further authorized and directed, whenever he is satisfied that any school land has been or is enclosed or occupied in violation of this act, to proceed at once to collect from the owner or keeper of the animals grazing such school lands the minimum rental value of such lands, and for such purpose he is hereby authorized and directed to collect such sum or sums of money by distress and sale of such stock, together with all costs of such collection. The sheriff shall receive the same fees on all claims collected as are now provided by law upon executions. All sales of stock taken under distress shall be at public auction, after due notice, as provided in case of sale of personal property under execution.

SEC. 358. *Penalty for False Swearing.* [5770.] Every person who shall wilfully and corruptly swear, testify or affirm

falsely to any material matter, upon oath or affirmation, in any matter or proceeding relating to the proof of settlement or improvement upon school land, before the probate court, under the provisions of this act, shall be deemed guilty of perjury, and shall upon conviction thereof be punished by confinement and hard labor for a term of not more than seven years. (Laws 1886, ch. 152, sec. 2.)

SEC. 359. *Proceedings in Probate Court.* [5771.] Said court shall require the petitioner to prove the facts set forth in his petition, and the superintendent of public instruction may appear and introduce testimony to controvert said facts; and if the petitioner fails to establish the truth of his petition, he shall be adjudged to pay the costs. If he feels himself aggrieved by the decision of said court, he shall have the right to appeal to the district court, by filing a bond within 15 days after such decision, conditioned that he will prosecute the appeal and pay all damages and costs that may be adjudged against him. The state shall have power to appeal from the decision of said court, by the superintendent filing a notice thereof within the time prescribed for the appeal by the petitioner; and when said notice shall have been filed, the appeal shall be granted, and the probate court shall transmit to the clerk of the district court a certified transcript of the record and proceedings relating to the cause, together with the original papers in his office relating thereto; and the district court shall have jurisdiction of the cause, and shall proceed to hear, try and determine the same anew, without regard to any error, defect or other imperfection in the proceedings in the probate court. (Laws 1876, ch. 122, art. 14, sec. 5.)

SEC. 360. *Notice of Sale, etc.* [5772.] In all cases where the court shall find that the petitioner has settled upon and improved school lands, as set forth in his petition, the petitioner may purchase the said lands, not exceeding one quarter-section, for the appraised value thereof, exclusive of the value of the improvements. The county treasurer shall then offer the unsold portion of all school lands for sale at public auction, after giving four weeks' notice thereof in some newspaper published in such county; and in case no such paper is published in such county, then said notice shall be given by posting the same at each voting precinct in such county at least four weeks pre-

vious to the sale; (and that any person may and shall have the privilege of making a bid or offer for said lands, between the hours of 10 o'clock A. M. and 3 o'clock P. M. of said day of sale.) Said notice shall contain a description of the land and improvements, if any, thereon, with the appraised value thereof, and a statement (of the hours of sale, which shall be between the hours of 10 o'clock A. M. and 3 o'clock P. M., as aforesaid), and the place of sale; and no bid at said sale shall be received for less than the appraised value of said land and improvements. Timber land may be subdivided into lots of such size as the superintendent of public instruction and appraisers may deem best; and in all cases one-half the purchase-money for timber land shall be paid at the time of purchase, and the purchaser shall give a good and sufficient bond for the payment of the remainder, as for other lands sold under this act. (Laws 1876, ch. 122, art. 14, sec. 6.)

SEC. 361. *Terms of Payment.* [5773.] Any person purchasing such land shall pay to the treasurer of the county in which the same is situated one-tenth of the amount of the purchase-money, taking therefor a receipt, which he shall present to the county clerk, together with a bond in double the amount of the purchase-money unpaid, conditioned that he will not commit waste upon said land, and that he will pay the balance of said purchase-money in 20 years, and interest to be paid annually thereon at the rate of 6 per cent. per annum as the same becomes due: *Provided*, That the purchaser may pay the balance of the purchase-money at any time, or in instalments of not less than \$25: *Provided, also*, Any person having heretofore purchased such land, and made partial payment of the purchase-money, and the purchase-money not being due on the same, and who is not in default in payment of interest due upon such purchase, or taxes due upon the land, may, upon surrendering the certificate of purchase to the county clerk in the county in which said land is situate, take out a new certificate of purchase under the provision aforesaid, and upon presenting a new bond in double the amount of purchase-money remaining unpaid, said bond conditioned the same as the bond aforementioned in this section. (Laws 1883, ch. 140, sec. 1.)

SEC. 362. *Certificate of Purchase.* [5774.] The county clerk shall thereupon enter the amount of the purchase-money of the

land, the amount paid upon the same, in a book kept for that purpose, and shall charge the same to the county treasurer in the records of the county, and shall issue to the purchaser a certificate, under the seal of his office, showing the amount paid, the amount due, and the time when due, with interest, and that upon the payment of said amount, when due, with interest, he will be entitled to a patent to said land. It shall be the duty of the attorney-general to prepare a proper form for said certificates for the sale of said land, so as to protect the rights of the state and of the purchaser, his heirs and assigns. (Laws 1876, ch. 122, art. 14, sec. 8.)

SEC. 363. *Credits on Contracts of Sale of Fractional Subdivisions.* [5805.] That in all cases where state school lands have by mistake been sold as and for full legal subdivisions of 160 acres or less, when in fact the lands so sold were fractional subdivisions of and less than the full legal subdivisions for which it was sold, and the purchase-money or a part thereof is unpaid, the county treasurer of the county in which such lands are situated, in making final settlement with the purchaser of such lands, or with his or her assignee or legal or personal representative, is hereby authorized to credit such purchaser or his or her assignee or legal or personal representative, upon such contract of purchase, with an amount equal to the *pro rata* value of the difference in acres between the number of acres actually contained in the fractional subdivision sold and the number of acres it was supposed to contain, and for which it was sold; and such county treasurer shall state the amount of such credit in his report to the auditor and state treasurer; and the auditor of state is hereby directed to credit the same to the county treasurer of said county. (Laws 1885, ch. 183, sec. 1.)

SEC. 364. *Interest, How Applied.* [5775.] The interest on the deferred payments of the land sold under this act shall be annually appropriated to the support of schools, as other school moneys, and under the direction of the state superintendent of public instruction, as provided by law. (Laws 1876, ch. 122, art. 14, sec. 9.)

SEC. 365. *Credits.* [5776.] The purchaser, when he pays to the county treasurer the interest, as it becomes due, or any portion of the principal, shall take a receipt for the same, which he shall present to the county clerk, who shall credit him with the

same, and charge the amount to the treasurer. (Laws 1876, ch. 122, art. 14, sec. 10.)

SEC. 366. *Abstracts.* [5777.] The county clerk shall, semi-annually, on the 1st days of January and July of each year, transmit to the state auditor an abstract of the land for which he has issued certificates during the year, the amount of the purchase-money for the same, the amount paid on each parcel of land, and the amount paid on yearly instalments for the current year, principal and interest separately. (Laws 1876, ch. 122, art. 14, sec. 11.)

SEC. 367. *State Auditor.* [5778.] The auditor shall charge each of the treasurers in the state the amount of moneys received as principal and interest, separately, from the sale of school lands in their respective counties, as certified by the clerks of the several counties, and upon the payment of the said moneys to the treasurer of state, and the presentation of the state treasurer's receipt, shall credit the several treasurers with the amount of the same. (Laws 1876, ch. 122, art. 14, sec. 12.)

SEC. 368. *County Treasurers.* [5779.] The treasurers of the several counties shall pay over, semiannually, to the treasurer of the state, the amount received in their counties from the sale of school land, taking receipts therefor, which, when indorsed by the auditor of state, shall be presented to the clerk of his county, who shall credit him with the amount of the same; and any treasurer failing so to do shall be liable in double the amount not paid over, on his official bond, to be recovered by action in the district court, in the name of the state of Kansas. (Laws 1876, ch. 122, art. 14, sec. 13.)

SEC. 369. *Waste; Taxation.* [5780.] No purchaser of school land, prior to his obtaining title to the same, shall commit any waste upon such land, or take or remove mineral or timber from the same, other than for use upon or improvements of said land. The land purchased under this act shall be subject to taxation, as other lands; and in case of non-payment of any taxes charged thereon, the said lands may be sold, as in other cases, but the purchaser at such sale shall be subject to all the conditions of the bond of the original maker, and of the certificate of purchase: *Provided*, That such purchaser of said school land shall be allowed one year from the date of the certificate of sale of such

land for such taxes in which to redeem from such tax sale, by complying with the provisions of law relating to the redemption of land from tax sale, and paying to the county treasurer, for the benefit of the holder of such tax certificate, all instalments of interests or other payments which such holder of tax certificate has been compelled to pay in order to prevent a forfeiture of the rights of purchaser of school land, under the provisions of section 16 of this act.⁷³ (Laws 1879, ch. 161, sec. 1.)

SEC. 370. *Patent.* [5781.] On presentation of a certificate of the county clerk, showing that any person has paid the full amount of the purchase-money, and all interest due, for any portion of said school lands, with a certificate thereon, indorsed by the auditor of state, showing that he has charged the county treasurer of the county where the land is situated with the full amount of the purchase-money mentioned in said certificate, the governor of the state shall issue a patent to the purchaser, his heirs or assigns, for the same, which said patent shall convey to the patentee a full title in fee simple to said lands. (Laws 1876, ch. 122, art. 14, sec. 15.)

SEC. 371. *Forfeiture; Fees.* [5782.] If any purchaser of school land shall fail to pay the annual interest when the same becomes due, or the balance of the purchase-money when the same becomes due, it shall be the duty of the county clerk of the county in which such land is situated immediately to issue to the purchaser a notice in writing, notifying such purchaser of such default, and that if such purchaser fail to pay or cause to be paid the amount so due, together with the costs of issuing and serving such notice, within 60 days from the service thereof, the said purchaser and all persons claiming under him will forfeit absolutely all right and interest in and to such land under said purchase, and an action will be brought to eject such purchaser and all persons claiming under him from such land. It shall be the duty of said county clerk to include in such notice all tracts of land sold to the same purchaser and on which default in any such payments then exists. The notice above provided for shall be served by the sheriff of the county, by delivering a copy thereof to such purchaser, if found in the county, also to all persons in possession of such land; and if

such purchaser cannot be found, and no person is in possession of said land, then by posting the same up in a conspicuous place in the office of the county clerk. And in case such land or any part thereof has been sold for taxes, a copy of such notice shall be delivered to such purchaser at tax sale, if a resident of the county. Said sheriff shall serve such notice and make due return of the time and manner of such service within 15 days from the time of his receipt of the same. The sheriff shall be entitled to the same fees and mileage for serving the same as allowed by law for serving summons in civil actions. If such purchaser shall fail to pay the sum so due, and all costs incident to the issue and service of said notice, within 60 days from the time of the service or posting of such notice as above provided, such purchaser and all persons claiming under him, shall forfeit absolutely all rights and interest in and to such land under and by virtue of such purchase; and the county attorney shall proceed to eject him and all persons claiming under him, from said premises, if in possession. If the costs of the issue and service of the notice above provided for be not paid by the purchaser of such land, the same shall be paid by the county treasurer out of the proceeds of the sale of school lands in his hands, upon the order of the county superintendent of public instruction, made upon the affidavits of the officers to whom the same are due, showing the amount and correctness of the same: *Provided*, In all cases of the sale of school lands heretofore made, when the purchaser or purchasers thereof have made partial payments therefor, and have forfeited the same by law; and the money already paid thereon, and when the said purchaser or purchasers thereof have not been ejected, the person or persons having made such partial payment or payments, their heirs or assigns, may renew their right to retain said lands by making full payment of all interest that may be due, with interest at the rate of ten per cent. per annum on all interest in default from the date of default to date of full payment: *Provided*, Such payment shall be made within six months from the 1st day of April, 1879: *And provided*, When such lands shall have been disposed of to other persons, in pursuance of law, no interest obtained shall be affected by this act: *And provided further*, That all expenses that may be incurred under this act

shall be borne by those seeking to avail themselves of the benefits of this act. (Laws 1879, ch. 161, sec. 2.)

SEC. 372. *Forfeited Lands.* [5783.] Land from which purchasers have been ejected, and lands which have been forfeited, and which are unoccupied by the purchaser or his assigns, shall be reappraised, and may be purchased by any person in accordance with the provisions of this act, and in all cases lands which have not been claimed or purchased shall be reappraised every five years: *Provided*, That they may be reappraised at any time on petition of one-half of the *bona fide* householders of the township in which the lands lie to the board of county commissioners of the county, at their discretion. But such reappraisement shall be conducted according to the provisions of this act, and the sales upon the same shall be conducted in all respects in accordance with the provisions of this act. (Laws 1879, ch. 161, sec. 3.)

SEC. 373. *Unlawful Purchase.* [5784.] It shall be unlawful for the county superintendent appointing the appraisers, or the persons appraising the lands, to purchase, either directly or indirectly, any portion of the lands appraised by them. (Laws 1876, ch. 122, art. 14, sec. 18.)

SEC. 374. *Investment of Proceeds.* [5785.] The proceeds of the sale of school lands shall be invested by the board of commissioners for the management and investment of school funds in the bonds or other interest-paying securities of this state or of the United States, at the current market price thereof at the time of making such investment. (Laws 1876, ch. 122, art. 14, sec. 19.)

SEC. 375. *Private Sale.* [5786.] In all cases where school lands fail to sell as provided for in this act, the county treasurer may dispose of said lands at private sale to actual settlers only, in tracts not exceeding 160 acres to each purchaser: *Provided*, That no sale be made at less than the appraised value of the land and improvements: *And provided further*, That if school lands, once offered at public sale, are not sold within one year from the time of said sale, they shall be reappraised and sold at public sale, as other school lands are sold: *Provided further*, That the person so residing upon said school land shall have the privilege of purchasing said land, exclusive of the appraised value of the improvements; but in the event of any person other than the actual settler buying in said land, the person so purchasing

shall pay to the person entitled to the pay for the improvements the amount of the appraised value of said improvements, they having been previously appraised according to the provisions of this act. (Laws 1876, ch. 122, art. 14, sec. 20.)

SEC. 376. *Privilege of School District.* [5787.] Any school district shall be entitled to purchase and acquire, for a school-house site, any quantity of land not exceeding two acres, of any school lands situate in such district, and shall acquire the title to the same according to the provisions of this act: *Provided*, That such tract shall be situate on one of the boundary lines of the section, or any quarter-section thereof. (Laws 1876, ch. 122, art. 14, sec. 21.)

SEC. 377. *Fees.* [5788.] Each appraiser required under this law shall receive \$2 per day; and in cases when it is necessary to divide timbered lands into lots of less size than the legal subdivisions, the surveyor, chainmen and axmen shall receive the same pay as is provided for by law in other cases. The county clerk, under this act, shall be allowed for filing each paper, 5 cents; for recording each appraisement and other papers necessary to be recorded, 7 cents per folio; for granting a certificate to a purchaser of school land, 25 cents; for indorsing payment on certificate, 5 cents; for filing treasurer's receipt, 5 cents: for approving bonds, 25 cents—be paid by the purchaser; for making out abstract to be forwarded to auditor of state, 5 cents for each tract of land. The county treasurer shall receive for making out list of land for the printer or to be posted, 5 cents for each tract advertised; for issuing a receipt to purchaser of school land, 25 cents, which receipt, before it shall be of any validity, shall be presented by the purchaser to the county clerk, who shall indorse the same as entered upon the proper book of his office; and the county treasurer shall receive no fees for the sale of school lands except as provided for in this act. The printer, for publication of notice for sale of school lands, shall be allowed legal rates. The probate court shall be allowed the same fees under this act as for similar services in his court. The county attorney, sheriff and district clerk shall receive for their respective services under this act the fees allowed by the law for similar services. The several amounts above specified shall be paid by the county treasurer out of any money arising from the sale of the school lands, on the order of the county

superintendent of public instruction; and the county superintendent is hereby authorized to administer the oath to appraisers, and in verification on all bills presented to him he shall take the affidavit of the person or persons presenting such bills. The county superintendent shall be paid as is now provided by law. (Laws 1886, ch. 154, sec. 1.)

SEC. 378. *County Superintendent's Abstracts.* [5789.] The county superintendent shall, on the first Mondays of January and July in each year, transmit to the auditor of state an abstract to the amount of each order given, and for what service, which amounts shall be credited to the treasurer of the proper county. The treasurer of state shall be the custodian of all bonds or securities on which moneys arising under the provisions of this act may be invested, and he is hereby required to give additional bonds, as the governor of the state shall direct. (Laws 1876, ch. 122, art. 14, sec. 23.)

SEC. 379. *State Auditor's Report.* [5790.] That it shall be the duty of the auditor of state to incorporate in his annual report to the governor each year, by counties, and in the aggregate—(1) The number of acres of land sold under the territorial government, and the amount paid into the school fund of the state for the same. (2) The whole number of acres of school lands sold in each county since the admission of the state up to the 1st day of July preceding such report; the total amount of sales; average price per acre; the amount paid as principal; amount of county superintendents' order[s] allowed for expenses incurred in the sale of lands; and the amount of unpaid instalments bearing 10 per cent. interest. (3) The number of acres of school lands sold in each county during the year ending the 1st day of July preceding the annual report; the amount paid [as] principal; the amount of superintendents' orders allowed; the amounts of instalments unpaid on the sales for the year, and bearing interest. (4) A statement of the amount of school lands forfeited in each county during the year ending the 1st of July preceding the annual report, showing the number of acres in each tract forfeited, the person by whom forfeited, and for what amount, distinguishing between the unpaid principal and the unpaid interest which fell due during the year. (Laws 1876, ch. 122, art. 14, sec. 24.)

SEC. 380. *County Clerk's Report.* [5791.] That it shall be the duty of the county clerk of each county to furnish the state auditor the report named in the foregoing section of this act, on or before the 1st day of October in each year. (Laws 1876, ch. 122, art. 14, sec. 25.)

SEC. 381. *Trespass on School Lands.* [5792.] If any person shall cut down, injure, destroy or carry away any tree or trees growing upon any school lands that are or may hereafter be set apart for the use of the schools, or any other state institutions, or cut, destroy or carry away any wood, standing or being upon or growing on any school, college or university land, or shall dig up, quarry or carry away any stones, ore or mineral, lying or being upon such lands, the person committing such trespass shall be deemed guilty of a misdemeanor, and may be indicted and fined in a sum not less than double the amount of damages proved to have been committed, and not exceeding \$1000, and confined in the county jail not less than one month and not more than six months. (Laws 1876, ch. 122, art. 14, sec. 26.)

SEC. 382. *Complaint of Trespass.* [5793.] Whenever complaints shall be made, in writing and upon oath, to any justice of the peace, that any person has violated the provisions of the preceding section of this act, it shall be the duty of such justice to issue his warrant, under his hand, reciting the substance of the complaint, and commanding the officer to whom it is directed forthwith to apprehend the person so complained of, and bring him before such justice. (Laws 1876, ch. 122, art. 14, sec. 27.)

SEC. 383. *Procedure in Justice's Court.* [5794.] Upon such persons being brought before such justice, it shall be the duty of the justice to examine the complaint and the witnesses which either party may produce; and if it shall appear to the satisfaction of the justice that the person complained of is probably guilty, he shall require such person to enter into recognizance in such sum, not exceeding \$2000, with two or more sufficient securities, as such justice may direct, to appear at the next term of the district court; and in default of such recognizance, the justice shall commit such person to jail to await the action of said district court. (Laws 1876, ch. 122, art. 14, sec. 28.)

SEC. 384. *Grand Jury.* [5795.] It shall be the duty of each court having criminal jurisdiction to give this act in charge

especially to the grand jury at each term. (Laws 1876, ch. 122, art. 14, sec. 29.)

SEC. 385. *Complaints.* [5796.] It shall be the duty of the county superintendent of public instruction, the district directors, clerks, and treasurers, and all sheriffs and constables, to take notice of all trespasses committed on school lands in their respective counties, and immediately file a complaint against any person violating this act, before the proper authorities. (Laws 1876, ch. 122, art. 14, sec. 30.)

SEC. 386. *County Attorney.* [5797.] It shall be the duty of the county attorneys in their respective counties to prosecute all persons charged with the violation of this act. (Laws 1876, ch. 122, art. 14, sec. 31.)

SEC. 387. *Fines.* [5798.] All damages, fines and forfeitures collected under the provisions of this act shall be paid into the county treasury, for the use and benefit of the common-school fund. (Laws 1876, ch. 122, art. 14, sec. 32.)

SEC. 388. *Report of Sales; Penalty.* [5800.] That it shall be the duty of the county clerk of each county to furnish the state auditor the report named in the first section of the act to which this is amendatory on or before the 1st day of October in each year; and that upon failure to make said report he shall be deemed guilty of neglect of duty and misconduct in office, and shall be punished by fine not exceeding \$200, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment. (Laws 1876, ch. 126, sec. 1.)

SEC. 389. *Duty of Auditor.* [5801.] That it shall be the duty of the auditor of state, on the 30th day of October, or as soon thereafter as possible, annually, to report the failure and neglect of the several county clerks to make the required report, to the attorney-general of the state, who shall at once institute the necessary proceedings to punish said neglect of duty. (Laws 1876, ch. 126, sec. 2.)

SEC. 390. *Payments; How Made.* [5802.] The purchaser shall pay to the treasurer annually the amount of each yearly instalment, with interest, as specified in his bond, and the treasurer shall give duplicate receipts to the purchaser therefor, stating therein the amount paid, and on what account; one of which shall forthwith be delivered by the purchaser to the

county clerk, who shall credit him with the same, and charge the amount to the treasurer. (Laws 1876, ch. 127, sec. 1.)

SEC. 391. *Prosecution of County Treasurers.* [5803.] That upon the failure of the several county treasurers to pay into the state treasury the full amount received in their respective counties from the sale of school lands, or the interest paid thereon at each semiannual settlement, it shall be the duty of the auditor of state immediately to require the prosecuting attorney of the proper county to prosecute the delinquent under the provisions of section 13 of the act to which this [is] amendatory. (Laws 1876, ch. 127, sec. 2.)

ARTICLE XXIV.

FINES AND PENALTIES.

§392. Jurisdiction of justices of the peace.
393. Fines and penalties, how collected.

§394. Penalty for receiving bonus from publisher of school-books.

SECTION 392. *Jurisdiction.* [5681.] Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested, when the amount claimed by the plaintiff shall not exceed \$100; and the parties shall have the right of appeal, as in other cases. (Laws 1876, ch. 122, art. 9, sec. 1.)

SEC. 393. *How Collected.* [5682.] All fines and penalties not otherwise provided for in this act shall be collected by an action in any court of competent jurisdiction. (Laws 1876, ch. 122, art 9, sec. 2.)

SEC. 394. *Penalty for Receiving Bonus.* [5683.] If the state superintendent, or any county superintendent of public instruction, shall receive from the publisher of any school-books, or from any other person interested in the sale or introduction of any book into the public schools in the state, any money or bonus in any manner as an inducement for the recommendation or introduction of any such book into the public schools of the state, such superintendent shall, upon conviction thereof before any court of competent jurisdiction, be found guilty of a misdemeanor, and shall be fined in a sum not less than \$1000 nor exceeding \$5000, or shall be imprisoned in the penitentiary for any time not less than one year nor more than five years, or both such fine and imprisonment. (Laws 1876, ch. 122, art. 9, sec. 3.)

ARTICLE XXV.

SCHOOL TEXT-BOOKS.

§395. Commission; compensation.
 396. Term.
 397. Meetings. (See, also, §423.)
 398. Texts to be adopted.
 399. Bids, how submitted.
 400. Open bids.
 401. Secretary.
 402. May consider manuscripts.
 403. State not liable.
 404. Proclamation.
 405. Dealers to establish agencies.
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§410. Blanks.
 411. Advertise for bids.
 412. Special meetings.
 413. Vacancy.
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 415. Penalties.
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 418. Additional texts.
 419. Prices.
 420. Advertising for bids, etc.
 421. Maps, globes, charts, and other apparatus.
 422. Penalties.
 423. Meetings. (See, also, §397.)

SECTION 395. *Commission.* [Laws 1897, ch. 179, sec. 1.] For the purpose of carrying out the provisions of this act, there is hereby created a school text-book commission, consisting of eight members, to be appointed by the governor, by and with the consent of the senate, provided that not more three of whom shall be selected from any one political party, who shall receive, as their only compensation, the sum of \$5 for each day's actual service, at any regular or special session, and actual expenses in going to, and returning from any meeting herein provided for, and the state superintendent of public instruction shall be *ex officio* chairman of said school text-book commission, with the right to vote upon any and all propositions: *Provided*, That no per diem shall be allowed to any member of this commission who shall, at the time of service thereon, be receiving a stated salary from this state or from any county or city therein.

SEC. 396. *Term.* [Laws 1898, ch. 31, sec. 1.] The term of office of this commission shall be four years from the first Monday in April, 1897, and at the expiration of said term of office, and each succeeding term, the governor shall appoint, by and with the consent of the senate, suitable persons members of this commission. And on the first Monday in May prior to the termination of any contract for the furnishing of text-books to the people of this state under this act, or upon the termination of any such contract or contracts, said commission shall have power, and it is hereby authorized and made the duty of said

commission, to make new contract or contracts, or to relet any old contract or contracts for the furnishing of text-books as provided for in this act, and such commission shall succeed to all the powers, duties and obligations of the original commission.

SEC. 397. *Meetings.* [Laws 1897, ch. 179, sec. 3.] The time of meeting for the commission herein provided for shall be the first Monday in May, 1897, and at such other times as hereinafter provided for.

SEC. 398. *Texts to be Adopted.* [Laws 1897, ch. 179, sec. 4.] The school text-book commission herein provided for shall be empowered, and it is hereby authorized to select and adopt a uniform series of school text-books⁷⁴ for use in the public schools of the state of Kansas, in the following-named branches, to wit: Spelling, reading, arithmetic, geography, English grammar, physiology and hygiene, history of the United States, civil government, elements of algebra and physical geography, elements of natural philosophy, bookkeeping, and a graded series of writing-books: *Provided*, That the matter contained in the subject of reading shall consist of lessons commencing with the simplest expressions of English, through the regular gradations of lessons up to and including the highest style of both poetry and prose: *Providing*, That no text-book shall be adopted by this commission that does not equal in quality of matter, material, binding and mechanical execution and approximately equal in size, the following text-books in general use, namely: The speller to McGuffey's new speller, the readers to McGuffey's readers, the arithmetics to White's series of arithmetic, the geographies to Rand & McNally's geography, the grammar to Reed and Kellogg's grammars, the histories to Barnes' school histories, the physiology to Steel's physiology, the civil government to Thummel's government of the United States with Kansas addendum, elementary algebra to Ray's algebra, physical geography to Rand & McNally's physical geography, elements of natural philosophy to Steel's fourteen weeks in philosophy, bookkeep-

⁷⁴ The text-books adopted by the school text-book commission must be used after September 1, 1897, in every public school of the state, except where contracts have been entered into in writing under the provisions of the county-uniformity law. Such contracts, to be valid, must have been made by a legally elected county text-book board at a regular meeting called for that purpose, and hold only for the remainder of the five years for which the contract was made. The proposition for county uniformity of text-books must have been voted upon and carried in a majority of the districts of a county before a text-book board can be legally elected.

ing to Bryant & Stratton's graded series, mental arithmetic to Bailey's mental arithmetic, and writing to the Eclectic copy-books: *Provided*, That no text-book shall be adopted that contains anything of a partizan or sectarian character.

SEC. 399. *Bids; How Submitted.* [Laws 1897, ch. 179, sec. 5.] Any person, company, or corporation, desiring to make any bid or bids upon any of the matters provided for in this act, shall submit the same in writing together with an unconditional certified check for \$1000 payable to the chairman of the commission, to be forfeited to the state if such party shall fail to enter into proper bond and make the required contract if awarded to him, carefully sealed and addressed to the chairman of the school text-book commission, Topeka, Kan., and said chairman shall preserve the same, unopened, until the time of meeting of said commission.

SEC. 400. *Open Bids.* [Laws 1897, ch. 179, sec. 6.] At the first meeting of this commission, it shall receive and open all sealed bids and propositions on the following matters: *First*, From the publisher or publishers of school text-books for furnishing to the people of the state of Kansas, for use in public schools of this state as provided for in this act, for a term of five years, commencing September 1, 1897, each bid stating specifically the price at which each book is to be furnished, and to be accompanied by a specimen copy of each book to be furnished in such bid. *Second*, From any author or authors of school text-books who have manuscript of books not published for the price at which they will sell their manuscript, properly prepared for printer's copy, together with the copyright of such books for use in the public schools of this state. *Third*, From persons who are willing to undertake the compilation of a book or books or series of books provided for in section 4 of this act,⁷⁵ the price at which they are willing to undertake said compilation of any or all of such books to the satisfaction of said commission: *Provided*, That any and all bids by publishers herein provided for must be accompanied by a bond in the penal sum of \$50,000, with resident freehold sureties to be approved by the executive council of this state, conditioned, that if any contract be awarded to any bidder thereunder, such bidder will enter into a contract to, and perform the conditions of his bid

⁷⁵ Section 398 of this book.

to the acceptance and satisfaction of said commission : *And provided further*, That no bid shall be considered unless the same shall be accompanied by an affidavit of the bidder that he is in no wise, directly or indirectly, connected with any other publisher or firm who is now bidding for books or manuscript submitted to said commission, nor has any pecuniary interest in any other publisher or firm bidding at the same time, and that he is not a party to any contract, compact, syndicate or other scheme, in regard to exchanges of books, division of territory, or discount to dealers, whereby the benefits of competition are denied to the people of this state, and said commission shall have the right to reject any and all bids, and at their option shall have the right to reject any bid as to part of such books and to accept the same as to the residue thereof. At the meeting of said commission provided for in section 3 of this act,⁷⁶ said commission shall open and examine all sealed bids or propositions received pursuant to the provisions of this act, and it shall further be the duty of said commission to make a full, complete, and thorough investigation of all such bids, restrictions, and propositions, and to ascertain under which such proposition or propositions the school text-books hereinbefore provided for could be furnished to the people of this state for use in the public schools at the lowest price, taking into consideration the size and quality as to matter, material, binding and mechanical execution of such books : *Provided, always*, That such commission shall not, in any case, contract with any author, publisher or publishers for the furnishing of any book, manuscript, or copyright of books which are to be sold to the people of this state for use in the public school at a price above, or in excess of the following, which price shall include all costs and charges for packing, transportation and delivery to the several places hereinafter named in this state, namely : For the spelling-book, 10 cents ; for the first reader, 10 cents ; for the second reader, 17 cents ; for the third reader, 23 cents ; for the fourth reader, 30 cents ; for the fifth reader, 40 cents ; for the mental arithmetic, 20 cents ; for the intermediate arithmetic, 25 cents ; for the complete arithmetic, 35 cents ; for the elementary geography, 30 cents ; for the complete geography, 75 cents ; for the English grammar, elementary, 20 cents ; com-

76 Section 397 of this book ; see, also, section 423.

plete grammar, 35 cents; physiology and hygiene, 50 cents; for history of the United States, 50 cents; for elements of natural philosophy, 50 cents; for civil government, 40 cents; for elementary algebra, 50 cents; for physical geography, 80 cents; for bookkeeping, 40 cents; writing-books, 5 cents each; and any school-book company, person or firm, who shall contract to furnish the public schools of the state of Kansas, with school books under the provisions of this act, shall upon application of any school district within one year after the acceptance of the bid, take up the books now in use, and they shall exchange the new books at not more than 50 per cent. of the maximum prices fixed by the provisions or this act: *Provided*, That any school district or county that is now operating under a contract shall have the right to exchange, on the same terms, books for one year from the expiration of said contract.

SEC. 401. *Secretary*. [Laws 1897, ch. 179, sec. 7.] At the first meeting of the members of this commission, they shall select one of their number secretary, whose duty it shall be to keep a correct record of all proceedings, votes, and actions of this commission, which said records shall be deposited in the office of the state superintendent of public instruction at all times when said commission is not in session. All votes upon any proposition submitted to this commission shall be yea and nay, and recorded on the journal of the day's proceedings. No person, except members of this commission, shall be present at, or cognizant of any proceedings of this commission, during any time that it is in session, and no member of this commission shall, during any meetings of this commission, give any information to any person or persons concerning any business transacted, or in course of transaction at any session of this commission, until after all the business of the session is concluded. At the close of each session of this commission, the proceedings thereof shall be published in pamphlet form for general distribution among the people of this state.

SEC. 402. *May Consider Manuscripts*. [Laws 1897, ch. 179, sec. 8.] If, upon the examination of bids and propositions, no publisher or publishers of school text-books has bid within the provisions of this act for furnishing the school text-books for use in the public schools of this state, as provided for in this act, then said commission is empowered and is hereby author-

ized to procure such manuscript, copyrights and propositions for the compilation of school text-books, as provided for in this act, as will supply the schools of this state, and advertise for sealed bids for publishing the same, and supplying them under the terms herein prescribed for publishers, and said contract may be let for the publication of all such books, or for one or more of such books separately. And it shall further be the duty of said commission to provide in the contract for the publication of any manuscript, for the payment, by the publisher, of the compensation agreed upon between such commission and the author or owner of any such manuscript, for such manuscript.

SEC. 403. *State not Liable.* [Laws 1897, ch. 179, sec. 9.] It shall be a part of the terms and conditions of any contract made in pursuance of this act, that the state of Kansas shall not be liable to any contractor or contractors for any sum of money whatever, but that all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of the book or books provided for in this act.

SEC. 404. *Proclamation.* [Laws 1897, ch. 179, sec. 10.] As soon as such commission shall have entered into any contract for the furnishing of text-books for use in the public schools of this state, pursuant to the provisions of this act, the state superintendent of public instruction shall notify the governor of such fact and it shall be the duty of the governor to issue his proclamation announcing such fact to the people of the state, and immediately after the issuing of such proclamation by the governor, it shall be the duty of the state superintendent of public instruction to notify the county superintendents of the various counties of this state, of the books agreed upon and selected, together with the contract prices thereof.

SEC. 405. *Dealers to Establish Agencies.* [Laws 1897, ch. 179, sec. 11.] Within 30 days after the issuing of the proclamation by the governor of this state provided for in this act, any person, persons, company or corporation having contracted for the furnishing of school text-books to the people of this state, for use in the public schools thereof, shall arrange with at least one dealer or agent at the county-seat in each county in this state for the handling, sale and exchange of the school-books

provided for in this act. Such dealer or agent shall be allowed to charge the people of this state a commission not exceeding 10 per cent. on the contract price, established in [accordance with] this act for the handling and sale of such books: *Provided*, That any person, company, or corporation having a contract under the provisions of this act, shall be required to furnish books to any citizen or school district in Kansas, at the same price, and on the same terms as provided for the furnishing of such books to dealers or agents in cash orders of not less than \$10 each, and deliver the same at any railroad station in Kansas, mentioned in such order.

SEC. 406. *Estimates*. [Laws 1897, ch. 179, sec. 12.] At the annual school meeting to be held in the various school districts in this state in 1897, and at each annual meeting thereafter, and at the meeting of the board of education of cities of the first or second class, an estimate shall be made of the number of school text-books needed in each of said schools, for the term next commencing therein, and the clerk of each school district, and the clerk of the board of education in each city of the first or second class shall report the same to the county superintendent of public instruction immediately and not later than the 1st day of August next thereafter, and the county superintendent of public instruction shall, as soon as possible and not later than August 10 of each year, and oftener if the necessity of the schools require it, make out his requisition from the reports so received, and from other sources, and send it to the school-book publisher or publishers having contracts under the provisions of this act, stating therein the number of books of each kind needed for the schools of such county.

SEC. 407. *District Ownership*. [Laws 1897, ch. 179, sec. 13.] At any annual school meeting of any school district in this state, or at any regular election in cities of the first or second class, a proposal may be submitted to the district or city of the first or second class, as the case may be, to purchase, own and furnish school text-books as provided for in this act for use in the public schools thereof, free of charge to the pupils of said school district, or cities of the first or second class, and if it shall be found that a two-thirds majority of the legal electors in said school district or city of the first or second class shall have voted in favor of district ownership, then it shall become

the duty of the school board, or board of education in cities of the first or second class to purchase, furnish and supply the pupils of the said district or city of the first or second class, under such provisions and regulations as may be prescribed by the school-district board, or board of education in cities of the first or second class, such text-books as may be found necessary, as provided for in this act, and for the purpose of carrying out the provisions of this section, the school board and board of education of cities of the first or second class are hereby empowered to pay for the same out of any incidental funds in their hands, belonging to such district or city.

SEC. 408. *Violation of Contract.* [Laws 1897, ch. 179, sec. 14.] Upon the filing of a written complaint with the state superintendent of public instruction by the county superintendent of public instruction of any county in this state, or superintendent of schools of any city of the first or second class charging any publisher or publishers, person, company, or corporation with violating the conditions of said contract as is provided for in this act, the attorney-general is hereby instructed, and it shall be his duty to investigate the same, and if he finds probable cause for action, he shall immediately begin proceedings in the name of the state to enforce the penalties of the bond or bonds provided for in this act: *Provided*, That in all actions brought by the attorney-general under the provisions of this act, no security for costs shall be required.

SEC. 409. *Term of Contract.* [Laws 1897, ch. 179, sec. 15.] Every contract with any person, company, or corporation, publisher or publishers of school text-books for use in the schools of this state shall be for five years from the date thereof; and no school-district board or board of education of any city of the first or second class shall adopt, use, or permit to be used any other school text-books than those provided for in this act: *Provided*, That nothing herein contained shall be construed to prevent the teachers and pupils of this state from using any school text-book other than those provided for in this act as reference books in such schools: *And provided further*, That nothing herein contained shall be construed to apply to the use of school-books in branches other than those mentioned in this act, nor shall anything herein be construed to apply to counties now under contract for county uniformity of text-books, until

said contract or contracts shall have expired, or with school districts or cities of the first or second class having such contract until such contract shall have expired according to the terms which have been agreed to in writing: *And provided*, At the expiration of such contracts such counties, school districts and cities of the first or second class shall thereafter be governed by the provisions of this act.

SEC. 410. *Blanks*. [Laws 1897, ch. 179, sec. 16.] It shall be the duty of the attorney-general of the state to furnish blank contracts to the state superintendent of public instruction for the purpose of carrying out the provisions of this act.

SEC. 411. *Advertise for Bids*. [Laws 1897, ch. 179, sec. 17.] It shall be the duty of the superintendent of public instruction of this state, so soon as this law goes into effect, to advertise in the official state paper, for at least four consecutive weeks, for bids and proposals as provided for in section 5 of this act.⁷⁷

SEC. 412. *Special Meetings*. [Laws 1897, ch. 179, sec. 18.] Special meetings of this commission may be held at any time on the call of the state superintendent of public instruction: *Provided*, That the first session of this commission shall not continue longer than ten days, and no special session any longer than four days.

SEC. 413. *Vacancy*. [Laws 1897, ch. 179, sec. 19.] If any member of this commission should die, or resign, or become in any way incapacitated for serving on such commission, the vacancy thereby created shall be filled by appointment made by the governor of the state: *Provided*, That such vacancy always shall be filled from the same political party to which the person so removed belonged.

SEC. 414. *Oath*. [Laws 1897, ch. 179, sec. 20.] No member of this commission shall enter upon the discharge of his duties, until he has taken and subscribed to an oath to support the constitution of the United States, the constitution of the state of Kansas, and honestly and faithfully fulfil and discharge the duties of his office according to law.

SEC. 415. *Penalties*. [Laws 1897, ch. 179, sec. 21.] Any person, or persons, who shall directly or indirectly demand or receive any money, promise, or any other thing of value for any

⁷⁷ Section 399 of this book.

book or books provided for in this act, in excess of the contract price, together with 10 per cent. herein provided for for dealers or agents, and any member of any such district board, or any member of any school board in any city of the first or second class, or any teacher of any school who shall adopt, use, or permit to be used, or cause to be used in any public school of this state, any other text-book or books than those provided for in this act, shall be deemed guilty of a misdemeanor and upon conviction in any court of competent jurisdiction shall be fined in any sum not less than \$25 nor more than \$100, or by imprisonment in the county jail not to exceed 90 days or by both such fine and imprisonment: *Provided*, That in estimating the price at which the dealers or agents may sell books under the provisions of this act, the total amount of each sale shall not vary to exceed one-half of one cent above the contract price, plus 10 per cent. provided for herein.

SEC. 416. *Commission; Penalty for Violation.* [Laws 1897, ch. 179, sec. 22.] Any member of the commission herein established violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100 nor more than \$500, and be imprisoned in the county jail for a term not less than one year, and upon conviction shall forfeit his office.

SEC. 417. *Appropriation.* [Laws 1897, ch. 179, sec. 23.] For the purpose of paying mileage and per diem to the members of this commission, printer's fees, postage and expense of meetings, there is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of \$2500, or so much thereof as shall be necessary to carry out the provisions of this act. The auditor of state is hereby authorized to draw his warrant on the state treasurer for the amount of per diem and compensation due to each member of said commission or to parties performing services under the provisions of this act: *And provided further*, And the sum of \$10,000, or so much thereof as may be needed is appropriated out of any money in the state treasury, not otherwise appropriated, to buy manuscript under the provisions of this act, should it become necessary for the purchase of such manuscript as provided in this act, and the state treasurer is thereupon directed to pay such warrant: *Provided*, Such accounts be verified as provided in

other cases and approved by the state superintendent of public instruction.

SEC. 418. *Additional Texts.* [Laws 1899, ch. 176, sec. 1.] The school text-book commission provided for in chapter 179, Laws of 1897, shall be authorized and empowered, and is hereby made their duty, to adopt uniform school text-books for use in the public schools of the state of Kansas in the following branches, to wit: A primer, a primary reading chart, and a graded series of drawing-books or drawing portfolios, geometry (the work to include both plane and solid geometry), Latin grammar, Latin exercises, Cæsar, Cicero, Virgil, general history, history of Kansas, English history, rhetoric, English literature, botany, zoology, chemistry, word analysis, geology, German exercises, German grammar, and descriptive astronomy: *Provided, however,* That no books shall be adopted by this commission that do not equal in subject-matter, material, binding, and mechanical execution, and approximately equal in size, the following books, viz.: The primer, to Werner's primer, and to contain not less than 96 pages, including colored illustrations and number lessons; the drawing-books or drawing portfolios, to Walters's industrial drawing; reading chart, to Wooster's primary reading chart; the geometry (the work to include both plane and solid geometry), to Phillips and Fisher's elements of geometry (abridged); the Latin grammar, to Harkness's Latin grammar; the Latin exercises, to Collar and Daniels's first Latin book; the Cæsar, to Harkness's Cæsar; the Cicero, to Allen and Greenough's Cicero; the Virgil, to Harper and Miller's Virgil's Æneid; the general history, to Myers's general history; the English history, to Montgomery's English history; the rhetoric, to Genung's elements of rhetoric; English literature, to Shaw's outline to English and American literature; the botany, to Bergen's elements of botany; zoology, to Packard's elements of zoology; chemistry, to Shepard's inorganic chemistry; geology, to Dana's text-book of geology (Rice); word analysis, to Swinton's word analysis; German exercises, to Collar-Eysenbach's German lessons; German grammar, to Otto's German conversation grammar; descriptive astronomy, to Todd's astronomy.

SEC. 419. *Prices.* [Laws 1899, ch. 176, sec. 2.] Said commission shall in no case contract with any author, publisher or

publishers for the furnishing of any book or books, manuscript or copyright of book or books, which are to be sold to the people of this state for use in the public schools at a price above or in excess of the following, which price shall include all cost and charges of packing, transportation and delivering of books to the retail dealers and purchasers in the state of Kansas: For the primer, 12 cents; for the drawing-books or portfolios, 10 cents; for the geometry, 80 cents; for the Latin grammar, 75 cents; for the Latin exercises, 60 cents; for the Cæsar, 75 cents; for the Cicero, 75 cents; for the Virgil, 75 cents; for the general history, 90 cents; for the English history, 75 cents; history of Kansas, consisting of at least 300 pages, at a cost not to exceed 60 cents; for the rhetoric, 75 cents; for the astronomy, 70 cents; for the German exercises, 70 cents; for the German grammar, 80 cents; for the English literature, 75 cents; for the botany, 75 cents; for the zoology, 80 cents; for the chemistry, 75 cents; for the geology, 80 cents; for the word analysis, 20 cents: *Provided, however,* That retail dealers shall be entitled to add ten per cent. to the above-stated prices as profit for handling and sale of the books adopted by the commission in compliance with the provisions of this act.

SEC. 420. *Advertising for Bids.* [Laws 1899, ch. 176, sec. 3.] The method of advertising for bids, of receiving bids, the requirements of bidders, the opening of bids, the awarding and duration of contracts, the filing and approval of bonds on the part of any person, persons, firm or corporation who may desire to bid or to whom a contract is awarded under this act, the delivering of books to dealers or purchasers and the commission for dealers shall be the same as is provided in chapter 179, Laws of 1897.

SEC. 421. *Maps, Globes, Charts, and other Apparatus.* [Laws 1899, ch. 176, sec. 4.] It shall be unlawful for any school-district board or board of education of any city of the first or second class to purchase or contract for any chart, map, globe, or other school apparatus, except scientific apparatus for high schools, unless the same shall have been submitted to the school text-book commission at a regular or special session, and by them approved, and a maximum price therefor fixed by said school text-book commission.

SEC. 422. *Penalties.* [Laws 1899, ch. 176, sec. 5.] The punishment for the violation of the provisions of this act, or of any contract in pursuance thereof, or for the use of any book in the schools not provided for by the commission in pursuance of this act, whether on the part of the commission or any member thereof, or any school board or board of education or member thereof, or of any teacher, shall be the same as prescribed in chapter 179, Laws of 1897: *Provided*, That nothing in this act shall be construed to apply to any book used as a book of reference.

SEC. 423. *Meetings.* [Laws 1899, ch. 176, sec. 6.] The school text-book commission shall meet in regular session on the first Monday in May, 1899, said session to continue not longer than ten days, and special meetings may be held as provided in chapter 179 of the Session Laws of 1897, of which this act is supplemental.

ARTICLE XXVI.

REFORM SCHOOL PUPILS.

§424. Indentured pupils; county superintendent.

425. Pupils not properly provided for.

§426. County superintendent seek out persons willing to receive indentured pupils.

SECTION 424. *County Superintendent Shall Visit.* [6525.] The superintendents of public instruction in the several counties of the state are hereby designated as visiting agents, to have local supervision over indentured pupils of the reform school. It shall be the duty of each visiting agent to visit as often as twice each year all pupils of the reform school who may have been indentured to persons residing within his county. He shall inquire into the condition of such pupils, and make such other investigation, in relation thereto as the board of trustees may prescribe; and, for the purpose aforesaid, said agents may have private interviews with such pupils at any time, and shall have power to administer oaths. (Laws 1881, ch. 129, sec. 13.)

SEC. 425. *Pupils not Properly Provided for.* [6526.] When any visiting agent is of the opinion that an indentured pupil is not properly provided for, and cannot be so held to his further advantage, he shall report the fact to the board of trustees; and no pupil shall be indentured to any person until notice of an application therefor has been given to said agent, and his report in writing, made after investigation into the propriety thereof, is filed with the institution. (Laws 1881, ch. 129, sec. 14.)

SEC. 426. *Seek out Persons to Receive Indentured Pupils.* [6527.] Said agent shall seek out suitable persons who are willing to receive pupils from the reform school under articles of indenture, and give notice thereof to the president of the board of trustees, which notice shall contain the agent's recommendation of the applicant as a proper person to receive and have the care of any such pupil. (Laws 1881, ch. 129, sec. 15.)

ARTICLE XXVII.

BONDS AND WARRANTS, LOST AND DESTROYED.

SECTION 427. [496.] Whenever any bond or warrant of the state or territory of Kansas, or any county, city, township, or school district shall become so far mutilated as to become unfit for circulation, or shall be lost or destroyed, a duplicate thereof may be issued by the officer authorized by law to issue such bonds or warrants, under the regulations and restrictions hereinafter prescribed.

SEC. 428. [498.] On the delivery to the proper officer of any mutilated bond or warrant, a duplicate of such bond or warrant shall be issued as herein provided.

SEC. 429. [499.] A duplicate for a lost or destroyed bond or warrant shall not issue until there shall have been filed with the proper officer an affidavit of some person knowing the facts, setting forth the ownership of such bond, the description thereof, the number of coupons thereto attached, and the manner of its loss or destruction, and until there shall have been executed and filed with the same officer an indemnifying bond, with securities to be approved by such officer, in a sum equal to double the amount of such warrant or bond and the coupons attached, conditioned that the parties thereto shall pay all damages which the state, county, city, township or school district, as the case may be, may sustain if compelled to pay such lost or destroyed bonds or coupons.

SEC. 430. [497.] Such duplicate shall correspond, in number, date, amount and coupons with the original bond or warrant, and shall have indorsed on its face, and on the face of each coupon, by the officer issuing the same, the word "Duplicate," together with the date of its issuance.

SEC. 431. [500.] Any officer issuing duplicates under this act shall keep a record showing the numbers, dates and amounts of such mutilated, lost or destroyed bonds or warrants, and the number of coupons thereto attached, together with the date of issuance of the duplicate therefor, and the names of the persons to whom issued.

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